

**DRAFT**

**A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS  
HELD AUGUST 10, 2006 AT 1:30 P.M. IN WARRENTON, VIRGINIA**

**P R E S E N T**      Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

**A B S E N T**        None

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**PRESENTATION OF THE AGING TOGETHER PLAN FOR SUPPORTING OLDER  
RESIDENTS OF VIRGINIA'S RAPPAHANNOCK RAPIDAN REGION, INCLUDING  
CULPEPER, FAUQUIER, MADISON, ORANGE AND RAPPAHANNOCK COUNTIES**

Janis Selbo, Director of the Department of Social Services, discussed a coalition, known as Aging Together, comprised of private citizens and public, private, and non-profit entities serving the elderly. Ms. Selbo presented the Aging Together Plan, which identifies needs and strategies in the areas of service expansion, workforce to serve the elderly, wellness, information to assist seniors and caregivers, County and regional collaboration, and financial support.

**A WORK SESSION TO REVIEW THE FISCAL YEAR 2007 PROGRAM PLAN FOR  
RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON  
AGING, AND TO CONSIDER A \$4.2 MILLION BORROWING RESOLUTION TO  
REPLACE A PREVIOUS AUTHORIZATION FOR \$3.2 MILLION**

Brian Duncan, Executive Director of Rappahannock-Rapidan Community Services Board Area Agency on Aging (RRCSB-AAA), presented the 2007 Program Plan of RRCSB-AAA operations, for citizens who are elderly, and those with disabilities related to mental illness, mental retardation, and substance abuse problems. The Board was also asked to consider approving a resolution to authorize the RRCSB-AAA to borrow up to \$4.2 million from Rural Development to construct a replacement facility for its Boxwood Substance Abuse Treatment Program. The Board had previously authorized \$3.2 million and this resolution would replace the previous authorization.

**A WORK SESSION ON PROPOSED ZONING ORDINANCE TEXT AMENDMENTS  
RELATED TO COMMERCIAL RETAIL AND BUSINESS USES, HOME OCCUPATIONS,  
AND APPROVAL PROCEDURES FOR ADMINISTRATIVE PERMITS AND FOR SPECIAL  
PERMITS AND SPECIAL EXCEPTIONS IN CONJUNCTION WITH A REZONING**

Kimberley Johnson, Zoning Administrator, and Todd Benson, Assistant Zoning Administrator, reviewed the Zoning Ordinance and recommended changes related to commercial retail and business uses, home occupations, and approval procedures for administrative permits, special permits and

special exceptions in conjunction with rezoning. Ms. Johnson advised that a series of proposed text amendments is being generated for consideration by the Board of Supervisors and initiation to the Planning Commission.

**CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF PROPERTY FOR PARKS AND RECREATION PURPOSES PURSUANT TO SECTION 2.2-3711(A)(3) OF THE CODE OF VIRGINIA, AND TO DISCUSS PENDING LITIGATION PURSUANT TO SECTION 2.2-3711(A)(7) OF THE CODE OF VIRGINIA**

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(3) of the Code of Virginia, to discuss the acquisition and use of two parcels of real property for parks and recreation purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County, and pursuant to §2.2-3711(A)(7) of the Code of Virginia, to discuss pending litigation. The vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 10th day of August 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 p.m.

**ADOPTION OF THE AGENDA**

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Remove consent agenda item “e”, a Resolution to Approve a Memorandum of Understanding to Provide Personnel and Financial Services for the Vint Hill Economic Development Authority.
- Remove regular agenda item #12, and add as new consent agenda item “n”, a Resolution to Approve a Waiver Allowing a Private Street That Does Not Connect Directly to a State Maintained Street, Scott District.
- Remove regular agenda item #14, and add as new consent agenda item “o”, a Resolution to Approve a Waiver to Allow a Right-Of-Way Less Than Fifty Feet in Width, Cedar Run District.
- Remove regular agenda item #15, and add as new consent agenda item “p”, A Resolution to Approve a Waiver to Allow a Right-Of-Way Less Than Fifty Feet in Width, Marshall District.
- Accept an amendment to consent agenda item “l”, a Resolution to Approve the Ratification of an Agreement Between NVR, Inc., D.C. Diamond Corporation, and Fauquier County to Provide for the Construction of Southcoate Village Drive.
- Accept an amendment to regular agenda item #17, a Resolution Initiating Zoning Ordinance Text Amendments to Section 3-302, 5-200, 6-102 and 6-300 to Amend the Regulations Authorizing Home Occupations.

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

#### **CITIZENS' TIME**

- Michael Tilford, Center District, spoke in support of road improvements in Bethel Academy subdivision.
- Anne Hall, Center District, spoke in support of road improvements in Bethel Academy subdivision.

#### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Stribling presented a Proclamation to Designate August 13-19, 2006 as Fire & Rescue Appreciation Week in Fauquier County.
- Mr. Downey presented a Proclamation to Honor Major Olaf H. Shibusawa for his Service to the United States Army and the Citizens of Fauquier County.

## **CONSENT AGENDA**

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes:* **Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey;  
Mr. Richard W. Robison; Mr. Chester W. Stribling**  
*Nays:* **None**  
*Absent During Vote:* **None**  
*Abstention:* **None**

### **Approval of the Minutes for the July 13, 2006 Regular Meeting of the Fauquier County Board of Supervisors**

### **A Resolution to Receive the Rappahannock-Rapidan Community Services Board's FY 2007 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging Service**

#### **RESOLUTION**

#### **A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD'S FY 2007 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICE**

WHEREAS, in June 2006, the Rappahannock-Rapidan Community Services Board adopted the 2006 Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the Area Plan for Aging; and

WHEREAS, Fauquier County has received a request from the Community Services Board that it endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That the Fauquier Board of Supervisors does hereby receive the FY 2007 Rappahannock-Rapidan Community Services Board's Performance Contract with the Department of Mental Health, Mental Retardation, and Substance Abuse Services and the 2007 Area Plan for Aging Services, and acknowledges that Fauquier County participated in the review process and has no additional comments regarding the Contract or Plan.

**A Resolution Authorizing the Rappahannock-Rapidan Community Services Board to Borrow \$4.2 Million from the Rural Development Authority**

RESOLUTION

A RESOLUTION AUTHORIZING THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AND AREA AGENCY ON AGING TO BORROW \$4.2 MILLION FROM THE RURAL DEVELOPMENT AUTHORITY

WHEREAS, the Rappahannock-Rapidan Community Services Board and Area Agency on Aging (RRCSB-AAA) has determined that it is feasible to borrow funds for the acquisition of property and development of the project (including, among other things, construction of facilities, site work, fees, expenses, furnishings, carrying expenses, and so forth) in relation to the establishment of a facility for an alcohol and drug rehabilitation program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That the Board does hereby authorize the RRCSB-AAA to borrow up to \$4.2 million for the purchase, construction, and development of a facility for an alcohol and drug rehabilitation program; and, be it

RESOLVED FURTHER, That in granting this authority, Fauquier County assumes no liability for any such indebtedness; and, be it

RESOLVED FINALLY, That the approval granted herein is conditioned expressly upon the RRCSB-AAA entering into a financing transaction that conforms in all regards to Virginia law.

**A Resolution for Subdivision Street Acceptance for Stonelea Subdivision, Admiral Nelson Drive, Marshall Magisterial District**

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR STONELEA SUBDIVISION, ADMIRAL NELSON DRIVE, MARSHALL MAGISTERIAL DISTRICT

WHEREAS, Admiral Nelson Drive, described on the attached Additions Form AM-4.3, and as depicted on the site location map fully incorporated in the staff report dated August 10, 2006, is shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board of Supervisors that this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Stonelea Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 0902, Page 1401 approved on June 13, 2001; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

### In the County of Fauquier

By resolution of the governing body adopted August 10, 2006

*The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

A Copy Testee Signed (County Official): \_\_\_\_\_

Form AM-4.3 ( 11/28/2005)  
Asset Management Division

### Report of Changes in the Secondary System of State Highways

#### Project/Subdivision

#### Stonelea Subdivision

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New Subdivision Street

Pursuant to Code of Virginia Statute: **§33.1-229**

#### Route Number and/or Street Name

#### Admiral Nelson Drive, State Route Number 1504

Description: **From:** CL Waterloo Road, Route 678

**To:** 1453' North to Cul-de-sac

A distance of: 0.28 miles.

**Right of Way Record:** Filed with the Land Records Office on 6/12/2001, Db 902 Pg 1401, with a width of 54 Feet.

**A Resolution to Approve the Revised Memorandum of Understanding with Quantico Marine Base**

RESOLUTION

A RESOLUTION TO APPROVE THE REVISED MEMORANDUM OF UNDERSTANDING WITH  
QUANTICO MARINE BASE

WHEREAS, the Fauquier County Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the Board of Supervisors, the Department of Fire and Rescue, the Volunteer Fire Rescue Association, and the Quantico Marine Base have developed a Memorandum of Understanding (MOU) for providing fire, rescue and emergency service resources; and

WHEREAS, each of the parties hereto provides, has, or maintains certain equipment and personnel for use in response to emergency situations through paid and/or volunteer companies within their jurisdictions and areas; and

WHEREAS, the Board of Supervisors, the Department of Fire and Rescue, the Volunteer Fire Rescue Association, and the Quantico Marine Base hereto desire to define their cooperative arrangement for fire protection and rescue service, and augment the fire protection and rescue service available in their various jurisdictions and areas in the event of large fires or conflagration or disasters; and

WHEREAS, it is the policy of the Board of Supervisors, the Department of Fire and Rescue, the Volunteer Fire Rescue Association, and the Quantico Marine Base to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the Chairman of the Board of Supervisors be, and is hereby, authorized to sign the approved Agreement on behalf of Fauquier County with implementation effective this date.

**A Resolution to Authorize the Amendment of Covenants Applicable to Valley Green Subdivision**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE AMENDMENT OF COVENANTS APPLICABLE TO  
VALLEY GREEN SUBDIVISION

WHEREAS, certain covenants applicable to Valley Green Subdivision, created in 1976, require the consent of the Board of Supervisors prior to amendment; and

WHEREAS, the homeowners association has voted to request an amendment to its annual fee provision to increase the annual fee from \$50 to \$100; and

WHEREAS, the Board of Supervisors consents to this amendment; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Valley Green Subdivision be, and is hereby, authorized to amend its covenants to increase its annual fee to \$100.

**A Resolution to Authorize the Revision of Human Resources Policy 2-I, Inclement Weather**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF  
HUMAN RESOURCES POLICY 2-I, INCLEMENT WEATHER

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, Policy 2-I, Inclement Weather, dated April 21, 2003, does not address human resources issues; and

WHEREAS, recommended changes are contained in Policy 2-I, Inclement Weather, dated April 21, 2003; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Policy 2-I, Inclement Weather, be, and is hereby, removed from the Human Resources Policy Manual and added to the Administrative Policy Manual; and, be it

RESOLVED FURTHER, That the revisions made to Human Resources Policy 2-I, Inclement Weather, be, and are hereby, approved effective August 10, 2006.



**ADMINISTRATIVE POLICY**  
**Fauquier County, Virginia**

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Policy Title: Inclement Weather Policy  
Policy Number: AP-07

Effective Date: August 10, 2006  
Supersedes Policy: HR - Section 2-I, 04/21/03

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**I. PURPOSE**

It is the objective of Fauquier County Administration to establish procedures for emergency closings and delayed openings of Fauquier County General Government facilities.

**II. SCOPE**

This policy applies to all employees.

**III. DEFINITIONS**

Designated Emergency Staff: Employees whose positions have been identified by their Department Heads/Constitutional Officers as essential to department operations during emergencies. Designated emergency staff is required to work during authorized closings.

**IV. PROCEDURES**

**A. Contacts**

In the event government offices are opened to the public on a delayed schedule or closed due to inclement weather, employees may access information as follows:

1. messages shall be broadcast on radio and television stations (see Addendum A for listing);
2. a recorded phone message shall be available by calling 540-347-8680;
3. employees may access information through a link on the general government home page (<http://www.fauquiercounty.gov>);
4. employees may register to receive an e-Alert to their cellular phones and/or personal computers.

**B. Office Closings**

1. When offices are to be closed, media announcements shall be made.
2. Employees shall not be expected to report to work.

3. Designated emergency staff shall be expected to report as scheduled.
4. Employees scheduled to be on leave on an office closing day shall be charged leave for that day.

C. Offices Open Or Delayed Opening

1. When offices open at the regular time, no media announcements shall be made.
2. When offices will open on a delayed schedule, media announcements shall be made.
3. Employees who must arrive late to work as a result of inclement weather shall be expected to inform their supervisors.
4. Department Heads/Constitutional Officers may approve the reasonable use of annual leave or compensatory time if employees must arrive late due to inclement weather.
5. Employees scheduled to be on leave on the day of a delayed opening shall be charged a full day of leave for that day.

D. Early Closings

1. In the event of an early closing, the County Administrator/designee shall notify employees via the e-Alert and "DL-Staff" email functions.
2. Department Heads/Constitutional Officers shall be responsible for implementing and executing a departmental communication plan to ensure that those staff members without access to e-mail are notified of the early closing in a timely manner.
3. Employees shall leave work at the regular time unless approval for early release is received by the appropriate supervisor.

**ADDENDUM A**

In the event government offices are opened on a delayed schedule or closed due to inclement weather, messages will be broadcast on the following radio and television stations:

WTOP: 103.5 FM (radio)

WINC: 92.7 FM (radio)

WRC-TV: CHANNEL 4 (television)

WJLA-TV: CHANNEL 7 (television)

WUSA-TV: CHANNEL 9 (television).

**A Resolution to Authorize the Revision of Human Resources Policy 51, Travel Policies and Procedures**

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES  
POLICY 51, TRAVEL POLICIES AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions, and deletions; and

WHEREAS, Policy 51, Travel Policies and Procedures, dated October 16, 2000, does not address human resources issues; and

WHEREAS, recommended changes are contained in Policy 51, Travel Policies and Procedures, dated October 16, 2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Policy 51, Travel Policies and Procedures, be, and is hereby, removed from the Human Resources Policy Manual and added to the Administrative Policy Manual; and, be it

RESOLVED FURTHER, That the revisions made to Human Resources Policy 51, Travel Policies and Procedures, be, and are hereby, approved effective August 10, 2006.

**ADMINISTRATIVE POLICY**  
**Fauquier County, Virginia**

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Policy Title: Travel Policy and Procedures  
Policy Number: AP-06

Effective Date: August 10, 2006  
Supersedes Policy: HR - Section 51, 10/16/00

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**I. PURPOSE**

This document outlines the Policies and Procedures for individuals traveling on Fauquier County business using County funds, and applies to both day and overnight travel.

**II. DEFINITIONS**

- A. Authorized Travel: Travel to be performed by County employees that is reviewed and approved in the budget process and for which funds are included in the adopted budget. Department Heads/Constitutional Officers will manage the allocation of available resources to accomplish travel most efficiently and effectively throughout the year.

- B. Daily Travel: All travel not requiring overnight accommodations and/or performed within the boundaries of Fauquier County by employees in accomplishing their assigned duties is considered daily travel. Daily travel for Department Heads/Constitutional Officers is at the discretion of the Department Heads/Constitutional Officers. Daily travel for all other employees requires advance approval as outlined in Section VIII – Travel Approval, below.
- C. Extended Travel: All overnight trips to attend meetings, conferences, training, or other work-related functions are considered extended travel. Extended travel requires advance approval as outlined in Section VIII – Travel Approval, below.
- D. International Travel: Travel to locales outside the 48 contiguous United States is considered international travel. International travel requires advance approval as outlined in VIII – Travel Approval, below.

### **III. GENERAL POLICIES**

- A. Applicability: This policy shall apply to all employees and members of boards, commissions, and authorities of Fauquier County engaged in travel required to conduct Fauquier County business. Employees are not guaranteed attendance at conferences and training seminars. County Administration/Department Heads/Constitutional Officers will determine the appropriateness of all travel undertaken by staff and have the authority to approve or disapprove requests for conferences, training, seminars and other business travel. Supervisors are encouraged to provide these opportunities appropriately and fairly.

Travel undertaken by sworn officers of the Sheriff's Office for the purposes of prisoner extradition is subject to extradition policies and procedures as contained in the Sheriff's Office Standard Operating Procedures Manual.

- B. Responsibility: Each Department Head/Constitutional Officer is expected to exercise sound and prudent judgment when approving, arranging for, and incurring travel expenditures.

It shall be the responsibility of the Department Head/Constitutional Officer to determine who is eligible for reimbursement for Internet access, if the place of lodging does not provide this service for free. The fee(s) for Internet access shall be included in the itemization of anticipated travel expenses when submitted for advance approval.

Each employee participating in County-funded travel shall submit a Travel Authorization/Reimbursement Form (Appendix II) to obtain advance approval for travel as outlined in Section VIII - Travel Approval, below. All travel-related expenses are to be itemized on one form; expenses may not be divided between two forms to avoid the expenditure limit as defined in paragraph III-C below.

In the event the total expenses are anticipated to exceed the expenditure limit as defined in Section III-C below, the request for advance approval must comply with the schedule for submission as a Board of Supervisors agenda item.

Within ten (10) business days of return from travel, the original, approved Travel Authorization/Reimbursement Form shall be submitted to Accounts Payable with all appropriate receipts, details of expenses, explanations, and, if applicable, refund of unused travel advance funds. If the individual incurring travel expenses is a Constitutional Officer, that individual shall request another Constitutional Officer to review and sign the reimbursement form. It is the responsibility of the Department Head/Constitutional Officer to ensure the refund of any unused travel advance is submitted with the Travel Authorization/Reimbursement Form to Accounts Payable within ten (10) business days of return from travel.

- C. Expenditure Limits: Expenditures for any individual employee to attend any single meeting, conference, training, seminar or other work-related function shall not exceed \$1,000, except as allowed in Section III-D, below. The \$1,000 limit is inclusive of travel, registration and all other costs associated with attending such work-related functions. If an employee exceeds the \$1,000 expenditure limit without obtaining approval of the Board of Supervisors prior to scheduling travel, such employee shall be personally responsible for all expenditures exceeding that amount.
- D. **In those instances where funds for certain desired travel exceed the \$1,000 limit referenced in Section III-C, the requesting agency may make an appeal for an exception to policy. Such an appeal must demonstrate good cause and must be made through the County Administrator, to the Board of Supervisors, and shall be made prior to expending any County funds on the desired travel.**
- E. Advance Payments: Only registration, per diem and advance conference fees may be paid prior to travel. All other travel payments shall be in the form of employee reimbursements after travel unless prior approval for advance payment is obtained from the County Administrator.
- F. Excessive Expenses: Persons traveling on official County business will exercise care in incurring expenses to minimize the cost to the County Government. Excessive and unnecessary expenses will not be reimbursed. Those with authority as specified in Section III-A above will determine if expenses are excessive.
- G. Joint Travel: When it is known that two or more employees will be traveling to the same destination, maximum use shall be made of special group travel discounts, joint use of taxicabs and joint use of County-owned, leased or privately-owned vehicles. County Government strongly urges such employees to carpool, use commercial transportation, etc., where feasible.
- H. Gasoline Credit Cards: In the event a department has County-issued gasoline credit cards, they may be used when traveling in a County-owned vehicle with the following restrictions:

1. The card may only be used to purchase gas or oil and for emergency repairs when it is not practicable to return to the County garage or have the vehicle towed to the County garage. The card may not be used for food, drinks, cash advances, or items for personal use.
2. Gasoline may only be charged to the card when it would not be practicable to return to the County pumps for gasoline.

#### **IV. POLICY ADMINISTRATION**

The administration of this policy will be as follows:

- A. County Administration will adopt provisions of policy, set rates of reimbursement, and make any significant alterations.
- B. County Administrator will implement all provisions of this policy, authorize exceptions as permitted and make changes to operating procedures as necessary.
- C. County Administrator approval is required prior to making any travel arrangements when multiple employees in one department plan extended travel, as defined in Section II-C above, to the same event.
- D. Finance Department will administer the policy (review practices for policy compliance, keep records, prepare advances and checks, note discrepancies, etc.).
- E. The County Administrator will make recommendations to the Board of Supervisors on all travel requests submitted through the budget process.

#### **V. TRANSPORTATION**

It is expected that the most direct, practical and economical mode and route of travel is arranged and used. Transportation is paid only if it is reasonable and necessary to accomplish the County's business.

- A. County Vehicle: County vehicles should be used for daily or extended travel when available and cost beneficial to the department.
- B. Personal Vehicle: Employees are permitted to use their personally owned automobiles when a County-owned vehicle is not available, or when the use of a personally owned vehicle is cost beneficial to the department. In the event of an accident, the employee's insurance will be sole and primary.
- C. When traveling to training, conferences, etc., the distance normally traveled from home to worksite (or the equivalent distance) is not reimbursable.

- D. If an employee is required to return to work after going home for the day, the department head, depending on circumstances, may approve mileage reimbursement for the return trip.
- E. In the event daily travel in a personal vehicle exceeds twenty (20) miles per day, that travel, in its entirety, shall be eligible for mileage reimbursement under the terms of this policy.
- F. Commercial Transportation (Airplane, Rental Car, Taxicab, etc.): It is expected that the most economical and efficient mode and route of travel is used when travel is necessary to accomplish the County's business. Transportation should be shared by employees traveling together whenever possible. Rental cars may be used only when necessary for official purposes while traveling. Rental cars may not be used for personal purposes when traveling.

## **VI. LODGING**

- A. Accommodations: Accommodations will be reimbursed on a single occupancy basis only, unless there is more than one County employee traveling and a room is being shared voluntarily. Accommodations shall be arranged at (or closest to) the site of business. Accommodations will be reimbursed at the conference rate or government rate plus applicable taxes, whichever is lower and available. A receipt for lodging expenses shall be required and must accompany the Travel Authorization/Reimbursement form to ensure reimbursement.
- B. Extended travel must be necessary and reasonable to accomplish the County's business to be eligible for reimbursement. Prior approval for extended travel must be obtained in accordance with Section VIII – Travel Approval, below.
- C. Non-Canceled Hotel Reservations: Employees will communicate travel plan changes to the hotel as soon as possible if a confirmed reservation is being held. Since hotels may charge for non-canceled reservations, these charges will not be reimbursed if the traveler is negligent in canceling those reservations.

## **VII. MISCELLANEOUS EXPENSES**

- A. Allowed Expenses: Taxes and surcharges paid by the traveler for lodging will be reimbursed. Tolls and parking fees are reimbursable. A receipt is required for reimbursement claims greater than \$10.00.
- B. Telephone and Facsimile Charges: Telephone and facsimile charges will be reimbursed only if an approved business justification is provided on the Travel Authorization/Reimbursement form.
- C. Internet Access Charges: Internet access charges will be reimbursed only if an approved business justification is provided on the Travel Authorization/ Reimbursement form.

### VIII. TRAVEL/REIMBURSEMENT APPROVAL

<u>Travel by:</u>	<u>Signature Approval</u>
Departmental Staff	Department Head/ Constitutional Officer
Daily Travel by Department Heads/ Constitutional Officers	Department Head/ Constitutional Officer
Extended travel by Department Heads/ Constitutional Officers	County Administrator, Deputy or Assistant County Administrator
Extended travel by Library, Social Services Directors, Registrar	Appropriate Board Chairperson
Extended/International travel by County Administrator/County Attorney	Chairman, Board of Supervisors
Extended travel by Constitutional Officers	Another Constitutional Officer
International Travel	County Administrator
Members of BOS	Board Chairperson/Vice Chairperson
Members of Non-BOS Boards or BOS Committees/Commissions	County Administrator
Court System Personnel	Judge of applicable court

### IX. PER DIEM ALLOWANCES FOR MEALS AND INCIDENTALS

- A. Employees will be compensated for meals consumed during official travel as indicated below.
1. Local and Regional Travel. An employee will be reimbursed for meals, tips and incidental expenses not to exceed the per diem rate set out in Appendix 1 of this policy. The amount of per diem depends on the time period of travel:
    - a. Breakfast: 6:00 – 9:00 AM
    - b. Lunch: 11:00 AM – 2:00 PM
    - c. Dinner: 5:00 – 9:00 PM
  2. Extended Travel. An employee is eligible for reimbursement not to exceed the per diem for the cost of meals, tips and incidentals for each full day of travel. For per diem allowances, travel begins on the day an employee leaves the place



of abode, office or other point of departure and ends on the day the employee returns to the place of abode, office, or other departure point. For partial days, while en route to or from overnight travel, an employee will be reimbursed as stated in paragraph 1 above.

3. Exceptions. When it can be determined factually that the standard per diem rates are not appropriate for the particular travel location, the official responsible for directing travel should seek authority to prescribe a fixed per diem at a rate different from the standard rate. Such authority must be requested and approved by the County Administrator in advance of the travel.

B. Non-reimbursable Meals. An employee will not be eligible for per diem or reimbursement at the maximum daily allowance for meals when any or all meals are furnished as a condition of travel. If all meals are provided on a given day(s), the employee will not receive per diem for that day. If less than three meals are furnished, the employee will receive the amount specified for the non-included meal(s). The number of reimbursable meals will be indicated on the Travel Authorization/Reimbursement form with the date the meal(s) was (were) consumed. Non-reimbursable meals are defined as:

1. Any meal included in a registration or conference fee ultimately paid by the County; or
2. Any meal furnished at no cost to the employee by a school or vendor while attending a course of instruction if the cost of the meal is ultimately paid for by the County as part of the cost of instruction; or
3. Any meal furnished by an airline where the cost of the ticket is paid for by the County; or
4. Any meal(s) furnished by a private individual or firm that serves to replace a meal(s) that would normally be funded as part of the per diem.
5. Continental breakfasts provided by either the place of lodging or the conference and heavy hors d'oeuvres.
6. Personal expenses such as gratuities for maid or room service, valet services, self-entertainment expenses, etc., are not reimbursable.
7. Under no circumstances will expenditures for alcohol be reimbursed by County funds.

C. A flat \$3 per diem is paid for each day of extended travel for incidental expenses such as bellhop/waiter/taxi/limousine tips, personal telephone calls, laundry, and transportation between lodging or business and places where meals may be taken. The Incidentals amount is not prorated on a travel departure or return date. The flat \$3 is paid on all travel days.

## **Appendix I to Travel Policy and Procedures**

### **PER DIEM RATES** **(Effective August 10, 2006)**

#### **I. Mileage:**

Shall be reimbursed at the rate of reimbursement adopted by the state, currently \$0.445 per mile (increased mileage rate is effective July 1, 2006).

#### **II. Meals:**

##### **A. Daily Meal Rates:**

- |              |         |
|--------------|---------|
| 1. Breakfast | \$10.00 |
| 2. Lunch     | \$12.00 |
| 3. Dinner    | \$23.00 |

##### **B. Daily Per Diem:** \$45.00

#### **III. Lodging:**

Government or conference rate, whichever is lower, plus applicable taxes

#### **IV. Incidentals:**

\$3 per day

## **Appendix II to Travel Policy and Procedures**

Date	Mileage for Daily Travel or Meeting Include point of origin and destination	Miles
	Total Miles	0
	Reimbursement per mile	\$0.445
	(Code 5510) Total Reimbursement	\$ -
Date	Mileage for Conference/Meeting (where registration fee is required) Include point of origin and destination	Miles
	(Code 5540) Total Miles	0
	Reimbursement per mile	\$ 0.445
	Reimbursement for Conference/Meeting Mileage	\$ -

Fauquier County Travel Authorization/Reimbursement Form																																																																																																																					
<b>Travel Request Detail</b>	<b>Expense Accounting/Reimbursement Request</b> Within ten (10) working days after of travel, complete the following expense/reimbursement detail, attach required receipts and submit to Accounts Payable.																																																																																																																				
<b>Requesting Employee</b> Name _____ Vendor # _____ Department Code _____ Street Address _____ City, State, Zip _____ Department _____ Purpose of Travel _____ Travel Date(s) _____  <b>Estimated Funding Required:</b> Registration _____ Lodging _____ Applicable lodging taxes _____ Meals _____ Transportation _____ (specify mode) _____ Incidentals (\$3/day, extended travel) _____ Mileage (\$0.445/mile) _____ Parking, tolls _____ Taxi, shuttle _____ Other (specify, i.e., Internet, faxes) _____ Other (specify) _____  <div style="text-align: right;"> <b>Total \$</b> _____         </div> Advance payment requested? _____  (Except for registration, per diem and advance conference fees, all travel payments shall be in the form of employee reimbursements after completion of travel unless prior approval is obtained from the County Administrator)  Reason for advance payment: _____  Employee Signature _____ Date _____ Department Head/Constitutional Officer Approval Signature _____ Date _____  <div style="text-align: center;"> <b>If Advance Payment is requested, County Administrator approval is required</b> </div> County Administrator signature _____ Date _____  <div style="text-align: center;"> <b>If estimated expenditures exceed \$1,000, Board of Supervisors approval is required</b> </div> County Administrator Signature _____ Date of BOS approval _____	<div style="text-align: center; background-color: #e0e0e0; padding: 5px;"> <b>Actual Expenditures</b> </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 15%;">Acct. 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Head/Constitutional Officer Approval Signature _____ Date _____		Acct. Code	Date(s)	Amount	Registration	5540			Lodging				Meals		Details below	\$ -	Transportation				Mileage (daily)	5510	Provide detail on	\$ -	Mileage (conf.)	5540	next page	\$ -	Parking, tolls				Taxi, shuttle				Incidentals				Gas				Other (specify)				Other (specify)				Other (specify)				<b>Total Expenses</b>			\$ -	<b>Less Advances</b>			\$ -	Per Diem Rates	\$10	\$12	\$23	Date	Breakfast	Lunch	Dinner																																									<b>Totals</b>	\$ -	\$ -	\$ -
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Travel must be budgeted and approved in advance in accordance with AP-06, Travel Policy and Procedures, in order to receive reimbursement. Complete the first column and meals detail above, and submit for approval prior to travel. Complete the expense accounting information after travel, as indicated above.

Receipts are required for meals, lodging, airfare, gasoline, parking, and other travel-related expenditures, except meals purchased under the per diem. Attach the receipts to this form when submitting for reimbursement.

Meals included in conference/seminar fee, or provided by a vendor at no expense to the employee, are not reimbursable.

To document registration fees, attach a copy of the flyer or brochure, which specifies the charges being reimbursed.

Travel outside the 48 contiguous states must be approved in advance by the County Administrator.

County Administrator approval is required when more than one employee in one department plan to attend an event requiring extended travel.

Business justification for telephone/fax charges must accompany request for reimbursement.

Use page 2 of this form to provide mileage information, including purpose of trip, origination point and destination

**Account Code Descriptions**

**5540: Convention and Education** - Expenses related to attendance at conferences, conventions, workshops and courses (not sponsored by the

**5530: Food and Lodging** - Food and lodging necessary in the performance of local government business other than cost chargeable to accounts 5540

**5520: Fares** - Individual transportation by means other than a personal vehicle. Includes taxi, airport limousine, train, bus, air fares. Excludes cost chargeable to accounts 5540 (Convention & Education) and 5550 (Extradition of Prisoners).

**5510: Mileage** - Allowances for use of private vehicles in performance of locality business. Includes personal and leased vehicles, parking and tolls. Excludes cost chargeable to accounts 5540 (Convention & Education) or 5550 (Extradition of Prisoners)

**A Resolution to Authorize the Revision of Human Resources Policy 24, Types of Employment**

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES  
POLICY 24, TYPES OF EMPLOYMENT**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 24, Types of Employment, dated January 12, 2006; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the revisions made to Human Resources Policy 24, Types of Employment, be, and are hereby, approved effective August 10, 2006.

**HUMAN RESOURCES POLICY  
Fauquier County, Virginia**

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**Policy Title: Types of Employment  
Section No.: 24**

**Effective Date: 08/10/06  
Supersedes Policy: 01/12/06**

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**PURPOSE**

It is the objective of the Board of Supervisors to employ individuals in a variety of employment types to best meet the work requirements of the County and serve its citizens.

**SCOPE**

This policy applies to all employees.

**DEFINITIONS**

- A. Full-Time Permanent Position

A full-time permanent position is defined as a position in which the incumbent works a full-time, 30, 37.5, 40 or 42 hour per week schedule for every seven calendar day period on a continuous basis. Full-time permanent positions have no time limitation with respect to the duration of job assignment. Full-time permanent employees are eligible to receive full fringe benefits.

B. Part-Time Permanent Position

A part-time permanent position is defined as a position in which the incumbent works less than a 30 hour per week schedule on a part-time, continuous basis. Part-time permanent positions have no time limitation with respect to the duration of job assignment. Part-time permanent employees are eligible to receive pro-rated fringe benefits.

C. Temporary Position

A temporary position is defined as a position in which the incumbent works for a maximum period not to exceed twelve (12) months. Temporary employees are not eligible to receive fringe benefits.

D. Work week

A work week is defined as the seven consecutive calendar days; currently identified as Saturday through Friday.

## **PROCEDURES**

A. All positions in the County shall be characterized by one of the position employment types described in section III. A-C above.

B. Fringe benefits shall be provided to employees according to their position employment type.

C. An employee occupying two part-time permanent positions within the County shall be viewed as a full-time permanent employee for the purposes of fringe benefits if the combined position hours total a minimum of thirty (30) per week. To be eligible for retirement contributions, the Virginia Retirement System requires that the two jobs be of the same classification.

D. Job Sharing

1. Any full-time permanent position may be job shared upon approval of the Department Head/Constitutional Officer. The combined work hours of the job-shared position shall not exceed the total budgeted hours of the full-time permanent position.

2. Job sharing may be initiated by a Department Head/Constitutional Officer when:
  - a. a position is vacant and job sharing fits the needs of the department, or
  - b. a position is filled and the incumbent agrees to or expresses a desire to job share.
3. The employment type of employees who job share shall correlate to the number of hours the employees work in a regularly scheduled workweek.
4. A Department Head/Constitutional Officer may approve job sharing for a specific period of time, normally not less than one (1) year. Job sharing arrangements may be revised with the approval of the Department Head/Constitutional Officer on an as needed basis.

**A Resolution to Authorize the Revision of Human Resources Policy 16-A, Tuition Reimbursement/Education Assistance**

**RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE REVISION OF HUMAN RESOURCES  
POLICY 16-A, TUITION REIMBURSEMENT/EDUCATION ASSISTANCE**

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date human resources policies; and

WHEREAS, the Fauquier County Government Human Resources Policies Manual is continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in Policy 16-A, Tuition Reimbursement/Education Assistance, dated May 17, 2004; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the revisions made to Human Resources Policy 16-A, Tuition Reimbursement/Education Assistance, be, and are hereby, approved effective August 10, 2006.

**HUMAN RESOURCES POLICY  
Fauquier County, Virginia**

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**Policy Title: Tuition Reimbursement/Education Assistance**  
**Section No.: 16-A**

**Effective Date: 8/10/2006**  
**Supersedes Policy: 05/17/04**

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## **I. PURPOSE**

It is the objective of the Board of Supervisors to provide a Tuition Reimbursement/ Education Assistance Program to (i) encourage employees to take courses leading to a formal professional accreditation or degree relating to their specific job duties; (ii) provide for optimal potential for advancement within the County or School system; and (iii) attract and retain the best individuals as new employees.

## **II. SCOPE**

All permanent employees working a minimum of 20 hours per week, who have received a “Meets Standards” or higher rating on their last evaluations, and who have completed their initial probationary periods, are eligible to apply for tuition reimbursement/ education assistance.

## **III. DEFINITIONS**

Allowable Costs: Allowable costs comprise registration fees, tuition, lab fees, and course books as required on the course syllabus. No other expenses shall be considered for reimbursement. Employees are prohibited from requesting tuition reimbursement for allowable costs for which they have received financial support from other sources (with the exception of family support), such as grants, scholarships, etc.

Education Plan: The education plan shall list and describe:

- The courses to be taken to achieve a degree or professional accreditation. The courses and program listed must enhance the skills of the employee in his or her immediate position, or prepare the employee for another position in the County or School system;
- The degree/accreditation program to be entered; and
- The name of the institution where classes will be taken.

Eligible Courses:

- Courses that are directly related to an employee’s present position, a promotional objective, or another position in the County or School System, as confirmed by the Department Head/Constitutional Officer’s concurrence, and are part of an undergraduate, graduate or professional accreditation program.
- Eligible courses are available only through an accredited: college, university, business school, graduate school, trade school, correspondence school, or a technical/ professional institute.
- Electives which are necessary in order to obtain a degree, or other professional accreditation, and complete the education plan but are not directly applicable to an employee’s occupation, are eligible for reimbursement.

Successful Completion of Coursework is defined as:



- A grade of “C” (or 2.0) or better for an undergraduate course
- A passing grade or better for a graduate course
- A grade of “Pass” for a pass/fail course

Technical/Professional Institute: An establishment whose sole or primary function is education and training. It does not include professional associations.

Tuition Reimbursement/Education Assistance Program: The Tuition Reimbursement/Education Assistance Program is defined as a training program that is funded out of a dedicated County reserve and administered by the Human Resources Department.

#### **IV. PROCEDURES**

##### **A. Requests For Tuition Reimbursement/Education Assistance**

1. Prior to registering for courses, an employee must make the request for tuition assistance by submitting an education plan through his/her immediate supervisor and the Department Head/Constitutional Officer to the Human Resources Director.
2. The Human Resources Director shall review the request for participation in the tuition assistance program and make recommendation for approval/denial to the County Administrator. Upon County Administrator approval, and pending availability of funds, the employee will be eligible to submit requests for reimbursement as s/he progresses through the degree/accreditation program.
3. Requests for individual course reimbursement must be submitted to the Human Resources Director prior to registering for that course. The request must include the total cost of the course and all information concerning the course, such as the name of the institution offering the course, course title, number of credit hours pursued, degree/certification program, etc.
4. The Human Resources Director shall review the course for policy compliance and eligibility for reimbursement, and will inform the employee of the outcome of this review. If approved, the employee must bear the initial cost of registration, books, tuition and other fees necessary for enrollment. Expenses associated with courses that do not comply with and/or do not meet the criteria for eligibility as outlined in this policy, or are not consistent with the approved education plan, shall not be reimbursable.
5. Prior to the County’s reimbursement to the employee for the cost of successfully completed, approved courses, the Human Resources Director and the employee shall execute a Tuition Reimbursement Agreement (Appendix A). This agreement, made between the employee and the County, stipulates the terms for repayment for the course(s) for which the County has paid should the employee

voluntarily terminate employment, be dismissed, or be terminated for unsatisfactory service. The employee shall provide proof of grade(s) and original, itemized receipts for allowable costs.

6. When the Tuition Reimbursement Agreement has been executed by the employee, the Human Resources Director shall request the reimbursement check.

#### B. Preferred Educational Provider(s)

To make most efficient use of tuition reimbursement funds, it is recommended that state universities and colleges, including, but not limited to, Lord Fairfax Community College, Northern Virginia Community College, George Mason University and Mary Washington University, be utilized for educational purposes; however, employees may take courses at any institution accredited by the Southern Association of Colleges and Schools and the State Board of Education in Virginia, or similarly recognized accrediting agencies, or other approved institutions.

#### C. Benefit

1. All reimbursements are subject to the availability of funds. In the event that funding appropriated for tuition assistance is not adequate to accommodate all requests, funding consideration shall be granted first to those employees who have previously been approved to participate in the program and are currently working to complete their degree programs or courses of study. Thereafter, reimbursement shall be granted on a first come, first served basis, with those not receiving funding being placed on a waiting list.

2. The maximum reimbursement a full-time, permanent employee shall receive within one fiscal year is \$3,000 for undergraduate courses, and \$4,750 for graduate courses. Tuition reimbursement for part-time, permanent employees shall be prorated based on hours worked.

#### D. Course Attendance During Scheduled And Non-scheduled Work Hours

1. Efforts should be made to attend courses during non-scheduled work hours. If, however, this is not possible, courses may be attended during scheduled work hours, subject to Department Head/Constitutional Officer approval.

2. In the event that approval is granted for class attendance during an employee's scheduled work hours, the employee shall make up the missed time or use annual or compensatory leave to cover time away from the office.

E. Training As a Condition Of Employment

The Tuition Reimbursement/Education Assistance Program is a benefit for which employees may apply and not a condition of employment. Training and education mandated as a condition of employment shall be addressed under the County Training and Performance Evaluation policies.

F. Records Maintenance

A copy of all education and training courses completed by employees requiring official County approval for expenditure of County funds shall be placed in the employee's official personnel record.

G. Program Responsibility

The administration of the County's Tuition Reimbursement/Education Assistance Program shall be the responsibility of the Human Resources Department.

The administration of the repayment plan, should the employee voluntarily terminate employment, be dismissed, or be terminated for unsatisfactory service, within the time period specified in the executed Tuition Reimbursement/Education Assistance Reimbursement Agreement, shall be the responsibility of the Human Resources Department.

**APPENDIX A**

**Fauquier County Government  
Tuition Reimbursement/Education Assistance Reimbursement Agreement**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ (referred to in this Agreement as "the Employee"), and the **County of Fauquier, Virginia** (referred to in this Agreement as "the County"), provides as follows:

WHEREAS, the County has a tuition reimbursement and education assistance program to (i) encourage employees to take courses leading to a formal professional accreditation or degree relating to their specific job duties; (ii) provide for optimal potential for advancement within the County or Fauquier County Public School system; and (iii) attract and retain the best individuals as new employees; and

WHEREAS, the Employee successfully completed an approved course of study and incurred educational expenses related to that course of study; and

WHEREAS, the County has a policy to reimburse for certain educational expenses with the understanding that the Employee remains employed by the County or the Fauquier County Public Schools; and

WHEREAS, the County and the Employee recognize that it is unfair and inequitable for the County to pay the educational expenses of the Employee if the Employee does not remain with the County or the Fauquier County Public Schools for a significant length of time;

NOW THEREFORE, the parties agree as follows:

1. **The County's obligation.** Upon proof of the Employee's successful completion of coursework and presentation of original itemized receipts for costs incurred, receipt of which is hereby acknowledged, copies of which are attached to this agreement and incorporated herein by reference, the County will reimburse the Employee \$\_\_\_\_\_, which comprises the allowable costs as defined by the Tuition Reimbursement/Education Assistance Policy.

2. **The Employee's obligation.**

a. Undergraduate Professional Accreditation Course(s): If, within twelve (12) months of the date of successful completion of the course(s), the Employee voluntarily terminates his/her employment, retires, resigns for any reason whatsoever, is separated due to unsatisfactory service, or is dismissed from employment with either the County or the Fauquier County Public Schools, the Employee shall be obligated to repay in full the reimbursement amount stated in Section 1 above.

b. Graduate course(s): If, within twenty-four (24) months of the date of successful completion of the course(s), the Employee voluntarily terminates his/her employment, retires, resigns for any reason whatsoever, is separated due to unsatisfactory service, or is dismissed from employment with either the County or the Fauquier County Public Schools, the Employee shall be obligated to repay in full the reimbursement amount stated in Section 1 above.

3. **Excuse from payment.** If the Employee retires due to disability, or dies before completion of the time period specified in Sections 2(a) and/or 2(b) above, he/she shall have no obligation to repay the County.

4. **Payment.** The County shall withhold from the Employee's final paycheck the amount in excess of the Federal minimum wage to offset the debt to the County. The County shall also withhold any amounts owed under this Agreement from any other payment due the employee including, but not limited to, expense reimbursement and leave payout. Any remaining amount is due to the County within fourteen (14) days of the Employee's final paycheck. Amounts not paid within fourteen (14) days shall be deemed delinquent. Interest shall accrue on delinquent amounts at 10% annual interest rate, compounded monthly.

5. **Costs of collection.** In the event the Employee is delinquent in repayment to the County for more than twelve (12) months, the County shall be entitled to collect the entire amount immediately and may take legal action to do so. In the event this matter is referred to an attorney, including the County Attorney, for collection, the County shall be entitled to recover all costs of collection and attorney's fees incurred by the County in collecting the unpaid balance.

6. **Employment at will.** The parties expressly recognize that this Agreement is not a contract of employment, that the employee serves at all times at the will and pleasure of Fauquier County, and that the Employee may be terminated at any time, for any reason provided in the Fauquier County Human Resources Policies. This Agreement shall not in any way diminish or affect any authority given to the County by the common law, the laws of the Commonwealth of Virginia, or other federal or local law.

7. **Entire Agreement; governing law; and choice of forum.** This Agreement is the entire Agreement among the parties on the matters contained herein, and it may be modified only in writing signed by the parties. Any prior or contemporaneous promises, representations, or agreements related to the matters contained herein are revoked and waived. If any portion is held unenforceable for any reason, the remainder of the Agreement is deemed severable. This Agreement is governed by the laws of the Commonwealth of Virginia. The Employee and the County agree that jurisdiction and venue for all suits related to or arising out of this Agreement against the County shall be proper only in the Circuit Court of Fauquier County.

8. **Advice of counsel.** The Employee acknowledges that this is a binding legal document and that he/she was advised of his/her right to have it reviewed by independent counsel before signing it. In recognition of this right, he/she shall initial the appropriate section below:

\_\_\_\_\_ I have read this Agreement. I understand it and agree to its Terms. I have been advised of my right to have my attorney Review it, and I choose not to have it reviewed by my attorney.

\_\_\_\_\_ I have read this Agreement. I understand and agree to its terms. I have reviewed the Agreement with my attorney.

9. **Employee's affirmation.** By executing this Agreement, the Employee swears that:

- a. The Employee, or a member of the Employee's family, personally paid for the allowable expenses shown on the itemized receipt(s) attached to this agreement; and
- b. The Employee has not received, and will not receive, reimbursement for any allowable expenses itemized on the attached receipts from any other source, such as a scholarship, grant, or other such financial aid.
- c. The items on the receipts for which the Employee is seeking tuition reimbursement from the County are allowable expenses as defined in the Tuition Reimbursement/Education Assistance Policy.

WITNESS the following signatures:

COMMONWEALTH OF VIRGINIA  
COUNTY OF FAUQUIER, to wit:

\_\_\_\_\_  
Employee

Signed, sworn and acknowledged before me by \_\_\_\_\_,  
this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

COUNTY OF FAUQUIER, VIRGINIA

By: \_\_\_\_\_

**A Resolution to Authorize the Reclassification of the Network Analyst III Position to a Network Supervisor Position**

RESOLUTION

A RESOLUTION AUTHORIZING THE RECLASSIFICATION OF A  
NETWORK ANALYST III POSITION TO A NETWORK SUPERVISOR

WHEREAS, the Fauquier County Board of Supervisors Personnel Committee recommended reclassifying a Network Analyst III position to Network Supervisor in the Department of Information Technology; and

WHEREAS, the Board of Supervisors has approved and adopted a position classification and pay plan; and

WHEREAS, Human Resources has conducted a classification review and recommended the position title of Network Supervisors, Grade 38; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That the reclassification of a Network Analyst III position to Network Supervisor be, and is hereby, approved, effective August 12, 2006.

**A Resolution to Approve the Ratification of an Agreement Between NVR, Inc., D.C. Diamond Corporation, and Fauquier County to Provide for the Construction of Southcoate Village Drive**

RESOLUTION

A RESOLUTION TO APPROVE THE RATIFICATION OF AN AGREEMENT BETWEEN NVR, INC., D.C. DIAMOND CORPORATION, AND FAUQUIER COUNTY TO PROVIDE FOR THE CONSTRUCTION OF SOUTHCOATE VILLAGE DRIVE

WHEREAS, Fauquier County has requested that D.C. Diamond Corporation comply with the proffers applicable to Southcoate Village Drive and dedicate and complete the construction; and

WHEREAS, NVR, Inc., D.C. Diamond Corporation, and Fauquier County have reached an agreement regarding a mechanism to insure the completion of Southcoate Village Drive in a timely manner; and

WHEREAS, the terms of the agreement are attached to the agenda request associated with this resolution; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the County Administrator be, and is hereby, authorized to execute the aforesaid agreement; and, be it

RESOLVED FURTHER, That the County Administrator and County Attorney be, and are hereby, authorized to take such actions as are necessary to complete the additional agreements associated with the agreement; and, be it

RESOLVED FINALLY, That the surety provisions set forth in the agreement shall be deemed to satisfy the surety requirements imposed by the Planning Commission upon extension of the floodplain crossing special exception by the Planning Commission.

**A Resolution to Amend the Fauquier County Board of Supervisors Bylaws Section 6-4, Committee Attendance**

RESOLUTION

A RESOLUTION TO AMEND THE FAUQUIER COUNTY BOARD OF SUPERVISORS' BY-LAWS SECTION 6-4, COMMITTEE ATTENDANCE

WHEREAS, Section 6-4, entitled "Committee Attendance", of the 2006 By-Laws and Rules of Procedure of the Fauquier County Board of Supervisors provides that members of any standing or ad hoc committee to which the Board appoints a member shall attend every

scheduled meeting of the committee to which they have been appointed, with failure to attend 75% of scheduled meetings resulting in forfeiture of committee membership; and

WHEREAS, recognizing that a 75% attendance requirement may be problematic for committee members due to personal, family and business events and situations, the Board of Supervisors wishes to consider amending Section 6-4 in order to allow a case-by-case review of the circumstances of those committee members who fail to meet the attendance requirement; and

WHEREAS, in accordance with Section 4-12 of the 2006 By-Laws and Rules of Procedure, a proposed amendment to Section 6-4, Committee Attendance, was presented to the Board of Supervisors for consideration in meeting assembled July 13, 2006; and

WHEREAS, the Board of Supervisors does hereby wish to vote on the amendment to Section 6-4, Committee Attendance, of the By-Laws and Rules of Procedures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the Board does hereby adopt the following amendment to Section 6-4 of the 2006 By-Laws and Rules of Procedure:

#### Section 6-4 Committee Attendance

Members of any standing or ad hoc committee of the Board of Supervisors, or of any committee to which the Board of Supervisors appoints a member, shall attend every scheduled meeting of the committee to which they have been appointed, Committee members are expected to attend a minimum of seventy-five percent (75%) of the regularly scheduled meetings of the committee in any year. It shall be the duty of the Chairman of any Board of Supervisors' appointed committee to determine the level of attendance of committee members. Upon receipt of written notice from the Chairman of any committee that a member has failed to attend at least seventy-five percent (75%) of the scheduled meetings of the committee, the Clerk of the Board of Supervisors shall notify, in writing, the Chairman of the Board of Supervisors who shall review the committee member's attendance and determine whether any reason exists for the meeting attendance failure. Upon review, the Chairman of the Board of Supervisors may, but is not required to, remove the committee member for non-attendance of meetings. Where a committee member has been removed, the Clerk to the Board of Supervisors shall place upon the agenda of the Board of Supervisors, a request to replace the member who has been removed. Replacement shall be made in the same manner as the original appointment and shall be for the remainder of the term for the committee member who has been removed. Upon the appointment of any committee member, the Clerk to the Board of Supervisors shall forward to the member a copy of this section.

**Deleted:** Any member of a committee who fails to attend a minimum of seventy-five percent (75%) of the scheduled meetings of the committee in any year shall be held to have forfeited his or her membership on the committee.

**Deleted:** the committee member of his removal from the committee based upon his or her failure to attend the required percentage of scheduled meetings of scheduled meetings and shall thank the member for his or her service to the community

**Deleted:** . In addition



**A Resolution to Approve a Waiver Allowing a Private Street That Does Not Connect Directly to a State Maintained Street, Scott District**

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT  
DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET,  
SCOTT DISTRICT

WHEREAS, Christopher and Jennifer Hawkins, owners/applicants, are seeking a waiver of Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a State maintained street; and

WHEREAS, the applicants wish to create one (1) new administrative lot from their 5-acre parcel identified as PIN 7916-02-6805-000, with access via Stonefield Lane, a private street that connects to Culver Drive, another private street; and

WHEREAS, Culver Drive is an existing private street that connects directly to Broad Run Church Road (Route 600), a State maintained street; and

WHEREAS, on June 29, 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver subject to a limitation on further division of the property; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Christopher and Jennifer Hawkins to create one (1) administrative division on the above-referenced parcel on a private street that does not connect directly to a State maintained street, subject to the following condition:

Both the administrative lot and the residue lot shall be deed restricted from further subdivision.

**A Resolution to Approve a Waiver to Allow a Right-Of-Way Less Than Fifty Feet in Width, Cedar Run District**

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER TO ALLOW A RIGHT-OF-WAY LESS THAN  
FIFTY FEET IN WIDTH, CEDAR RUN DISTRICT

WHEREAS, Edward and Betsy Price and Michael and Patricia Jordan, owners, are seeking a waiver of Zoning Ordinance Section 7-302.1.C. to allow a right-of-way that is less than fifty feet in width; and

WHEREAS, Mr. and Mrs. Price created a five-acre administrative lot and a thirty-four-acre residual lot, identified as PIN #7828-63-6879-000 and PIN #7828-53-4799-000, with access via a fifty-foot easement, which connects to Courtney School Road (Route 637); and

WHEREAS, the owners do not have the legal right of access to the existing fifty-foot easement; and

WHEREAS, the owners are proposing to use an existing variable width easement, parts of which are less than fifty (50) feet in width; and

WHEREAS, on June 29, 2006, the Fauquier County Planning Commission unanimously recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Zoning Ordinance Section 7-302.1.C be, and is hereby, waived to permit Edward and Betsy Price and Michael and Patricia Jordan to access their administrative and residue parcels by a right-of-way that is composed of sections that are less than fifty (50) feet in width.

**A Resolution to Approve a Waiver to Allow a Right-Of-Way Less Than Fifty Feet in Width, Marshall District**

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER TO ALLOW A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH, MARSHALL DISTRICT

WHEREAS, Irvin M. Woods and Kay Young, owners, and Richard and Elise Riedel, applicants, are seeking a waiver of Zoning Ordinance Section 7-302.1.C. to allow a right-of-way that is less than fifty feet in width; and

WHEREAS, the owners created a five-acre administrative lot, identified as PIN 6928-35-9271-000, with access via a fifty-foot easement that connects to Leeds Manor Road (Route 688); and

WHEREAS, the owners/applicants wish to vacate the existing fifty-foot easement and use the existing driveway for the sole means of access; and

WHEREAS, the owners are proposing to dedicate an easement over an existing driveway that would be less than fifty (50) feet in width; and

WHEREAS, on June 29, 2006, the Fauquier County Planning Commission unanimously recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Zoning Ordinance Section 7-302.1.C be, and is hereby, waived to permit Irvin M. Woods

and Kay Young and Richard and Elise Riedel to vacate the existing fifty (50) foot easement and dedicate an easement to serve the administrative lot that is less than fifty (50) feet in width.

#### **APPOINTMENTS**

No appointments were made.

#### **A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO WORK WITH INTERESTED PARTIES REGARDING THE ROADS IN BETHEL ACADEMY SUBDIVISION**

Mr. Robison moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

#### **RESOLUTION**

#### **A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ATTORNEY TO WORK WITH INTERESTED PARTIES REGARDING THE ROADS IN BETHEL ACADEMY SUBDIVISION**

WHEREAS, the roads in Bethel Academy Subdivision are currently owned and maintained by Alexander (“Buddy”) Yurgaitis, Jr; and

WHEREAS, Mr. Yurgaitis has informed Bethel Academy Subdivision lot owners that he will no longer maintain the subdivision roads; and

WHEREAS, Mr. Yurgaitis and many lot owners in Bethel Academy are interested in having the roads accepted into the Virginia Department of Transportation’s (VDOT) Secondary Road System; and

WHEREAS, the roads currently do not meet the criteria for acceptance into the State Secondary Road System; and

WHEREAS, lot owners within Bethel Academy Subdivision have requested that the County work with them to facilitate a transfer of the roads from Mr. Yurgaitis into VDOT’s State Secondary Road System; and

WHEREAS, such work will take more than three hours of staff time; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the County Administrator and County Attorney be, and are hereby, authorized to work with lot owners within Bethel Academy to help facilitate the transfer of the aforesaid roads into the Virginia Department of Transportation's Secondary Road System.

**A RESOLUTION AUTHORIZING THE JOINT SHARING OF OPERATIONAL COSTS FOR THE WARRENTON-FAUQUIER VISITOR CENTER**

Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE JOINT SHARING OF OPERATIONAL COSTS FOR THE WARRENTON-FAUQUIER VISITOR CENTER

WHEREAS, the Town of Warrenton is currently operating the Warrenton-Fauquier Visitor Center; and

WHEREAS, the Town of Warrenton has requested that the County of Fauquier share in the costs to operate the Visitor Center; and

WHEREAS, the FY 2007 operational costs for the Visitor Center are estimated to be \$83,176; and

WHEREAS, the Town/County Liaison Committee has unanimously recommended to the Board of Supervisors that the Board agree to share in the operational costs of the Visitor Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the County of Fauquier does hereby agree to share in one-half of the operational costs of the Visitor Center; and, be it

RESOLVED FURTHER, That this obligation shall become effective for FY 2008, and shall be subject to the annual approval by the Board of Supervisors of the Visitor Center's Budget and appropriation of funds; and, be it

RESOLVED FINALLY, That the County Attorney be, and is hereby, directed to prepare an appropriate agreement evidencing the County's agreement to pay one-half of the annual operational costs for the Visitor Center, subject to the terms and conditions set forth in this

resolution, and that the County Administrator be, and is hereby, authorized to execute said agreement on behalf of the County.

**A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AND THE BOARD OF SUPERVISORS TO PROVIDE FOR THE ACQUISITION AND OPERATION OF A PUBLIC WATER SYSTEM IN MARSHALL AND TO SCHEDULE A PUBLIC HEARING TO AUTHORIZE A COOPERATIVE CONDEMNATION OF THE ASSETS OF SUCH WATER SYSTEM**

Mr. Atherton moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY AND THE BOARD OF SUPERVISORS TO PROVIDE FOR THE ACQUISITION AND OPERATION OF A PUBLIC WATER SYSTEM IN MARSHALL, AND TO SCHEDULE A PUBLIC HEARING TO AUTHORIZE A COOPERATIVE CONDEMNATION OF THE ASSETS OF SUCH WATER SYSTEM

WHEREAS, the Fauquier County Water and Sanitation Authority (the “Authority”) and Marshall Waterworks, II, Inc. (the “Waterworks”) have agreed on the terms pursuant to which the Authority will acquire from the Waterworks a public water system in Marshall; and

WHEREAS, in order to accomplish the conveyance, the Waterworks, the County and the Authority have agreed that Fauquier County will exercise its power of eminent domain to accomplish a cooperative condemnation of the assets of such public water system in Marshall; and

WHEREAS, the County and the Authority have agreed to enter into a Memorandum of Understanding setting forth the terms of the conveyance of such assets from the County to the Authority, and the responsibilities of the Authority and the County with respect to the operation of the water system, all as set forth in Attachment 2 to the agenda request for this item; and

WHEREAS, prior to initiating the condemnation action, the County must conduct a public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the Chairman of the Board of Supervisors be, and is hereby authorized, to execute the Memorandum of Understanding between the County and the Authority; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider whether it should initiate the condemnation proceeding against the Waterworks to acquire the assets of the referenced public water system in Marshall.

#### MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the “MOU”), made as of the \_\_\_\_ day of August, 2006, by and between the Board of Supervisors (the “Board”) of Fauquier County, Virginia (the “County”), and the Fauquier County Water and Sanitation Authority (the “Authority”), recites and provides:

#### RECITALS

WHEREAS, Marshall Waterworks II, Inc. (“MWW”), owns and operates a public water system serving landowners in and around the town of Marshall, Virginia (the “System”), comprised of, without limitation, wells, well pumps, control systems, water storage tanks, valves, water lines, water mains, water meters and facilities appurtenant to any of the foregoing items of property.

WHEREAS, the Authority and MWW entered into a Water System Services & Asset Purchase Agreement (Marshall, Virginia), dated March 28, 2003 (the “2003 Agreement”), pursuant to which the Authority agreed to purchase substantially all of the System from MWW subject to certain conditions.

WHEREAS, MWW and the Authority acknowledged in the 2003 Agreement and the County has acknowledged that the System requires upgrades, improvements and expansion in order to improve the level of service to the public.

WHEREAS, disputes arose between the Authority and MWW with respect to their respective obligations under the 2003 Agreement, and disputes arose between Carter’s Crossing, LLC (“CCLLC”), and the Authority with respect to CCLLC’s rights to certain water service capacity in the System.

WHEREAS, the Authority initiated a suit against MWW, CCLLC and others in the Circuit Court of Fauquier County, Virginia (the “Court”), styled Fauquier County Water and Sanitation Authority v. Marshall Waterworks II, Inc., et al., In Chancery No. CH 05-94 (the “Suit”).

WHEREAS, the Authority, MWW and CCLLC have agreed on the terms pursuant to which they will resolve the issues in dispute in the Suit and the Authority will acquire title to the System. These terms are

embodied in a Term Sheet, dated as of July 7, 2006 (the "Term Sheet"), a copy of which is attached hereto as Exhibit A.

WHEREAS, the Term Sheet provides that either the Authority or the County, at the election of the Authority, will acquire the System, including all of the assets of MWW listed on Exhibit A to the Term Sheet (the "Acquired Assets"), through a condemnation proceeding pursuant to the applicable condemnation provisions of the Virginia Code (the "Condemnation Proceeding").

WHEREAS, the Authority has requested the County to condemn the Acquired Assets and convey the Acquired Assets to the Authority subsequent to the Condemnation Proceeding.

WHEREAS, the County has agreed to condemn the Acquired Assets and to convey the Acquired Assets to the Authority subsequent to the Condemnation Proceeding on the terms contained in this Agreement.

#### AGREEMENT

NOW, THEREFORE, in consideration of the mutual agreements set forth herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Authority and the County agree as follows:

1. Recitals. The foregoing Recitals are incorporated by reference herein and made a part hereof as if fully set forth herein.
2. Condemnation. Promptly after the Board's approval of this MOU, the County shall initiate a Condemnation Proceeding in the Court seeking to condemn the Acquired Assets and agreeing to pay the Condemnation Award (as defined in the Term Sheet) on the terms and conditions contained in Paragraphs 1(b) and 1(c) of the Term Sheet.
3. Title Work. Within 21 days after the Board's approval of this MOU, the Authority shall provide to the County a legal description of the real and personal property to be condemned in the Condemnation Proceeding.
4. Payment of Condemnation Award. No later than three business days after the Court's entry of an order awarding the Condemnation Award to MWW, the Authority shall pay to the County \$575,000 representing the amount of the Condemnation Award, and, no later than five days after the Court's entry of the order awarding the Condemnation Award to MWW, the County shall pay the \$575,000 into the registry of the Court for distribution in accordance with the Final Order (as defined in the Term Sheet).
5. Conveyance of Acquired Assets to the Authority. As soon after the Vesting Date (as defined in the Term Sheet) as practicable, but in no event later than 30 days after such Vesting Date, the County shall convey the Acquired Assets to the Authority by special warranty deed, quitclaim deed as to all prescriptive easements and bill of sale reasonably satisfactory to the Authority.
6. Operation of Acquired Assets Prior to Conveyance. During the time that the County holds title to the Acquired Assets, the Authority shall operate the Acquired Assets at its expense on behalf of the County.
7. Assignment of Water Service Capacity. The County agrees that the Authority may grant the water service capacity in accordance with Paragraph 1(f) of the Term Sheet.
8. Assignment of Sewer Availabilities. The County acknowledges that the Authority may grant the sewer availabilities in accordance with Paragraphs 1(d) and 1(e) of the Term Sheet.

9. Board Resolution. No later than August 15, 2006, the Board shall pass a resolution approving and authorizing the County to perform its obligations under this MOU and its Chairman to execute this MOU for the purpose of binding the County to its terms.
10. Complete Agreement. This MOU, together with the Term Sheet, contain the entire agreement among the parties with respect to the subject matter described herein.
11. Governing Law. This MOU and any disputes which may arise hereunder shall be governed by and interpreted in accordance with the laws of the Commonwealth of Virginia without reference to its conflict of laws.
12. Counterparts. This MOU may be executed by the parties in any combination, in one or more counterparts, all of which together shall constitute but one and the same instrument.

Witness the following signatures.

BOARD OF SUPERVISORS OF FAUQUIER COUNTY,  
a public body politic,

By: \_\_\_\_\_  
Chairman

FAUQUIER COUNTY WATER AND SANITATION  
AUTHORITY, a public body politic

By: \_\_\_\_\_  
Barney E. Durrett, General Manager

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF WARRENTON WAIVING MUNICIPAL TIPPING FEES AT THE COUNTY SANITARY LANDFILL IN EXCHANGE FOR EQUALIZED RATES FOR COUNTY CITIZENS AT THE TOWN'S RECREATIONAL FACILITIES**

Mr. Robison moved to adopt the following resolution. Mr. Atherton seconded, and the vote for the motion was unanimous as follows:

<b>Ayes:</b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

RESOLUTION



A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF WARRENTON WAIVING MUNICIPAL TIPPING FEES AT THE COUNTY SANITARY LANDFILL IN EXCHANGE FOR EQUALIZED RATES FOR COUNTY CITIZENS AT THE TOWN'S RECREATIONAL FACILITIES

WHEREAS, the Fauquier County has previously waived the tipping fees for the Town of Warrenton's municipal solid waste; and

WHEREAS, the County's decision to waive the tipping fees was contingent upon receipt of sufficient commercial and industrial debris revenue to offset the waived tipping fees; and

WHEREAS, the County is closing its commercial and industrial debris landfill site and is considering re-imposing the tipping fees for the Town's municipal solid waste; and

WHEREAS, the Town of Warrenton has requested that the County not re-impose the tipping fees and offers as an incentive an agreement not to charge County residents higher fees than those imposed by the Town on its own residents at Town recreational facilities; and

WHEREAS, the Town/County Liaison Committee has unanimously recommended that the Board authorize the execution of an agreement waiving the County's solid waste tipping fees for the Town's municipal solid waste in exchange for the Town charging County residents the same user fees as imposed upon Town residents at Town recreational facilities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the Board of Supervisors does hereby authorize the County Administrator to execute an agreement with the Town of Warrenton waiving the County's solid waste tipping fees for the Town of Warrenton's municipal solid waste in exchange for the Town charging County residents the same user fees as are imposed upon Town residents at Town recreational facilities.

**A RESOLUTION TO DENY A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET, MARSHALL DISTRICT**

Mr. Atherton moved to postpone action on a proposed resolution to deny a waiver allowing a private street that does not connect directly to a State maintained street, Marshall District, Mermah Payandeh, owner/applicant. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5 TO CLARIFY AND AMEND THE ADMINISTRATIVE PERMIT PROCESS AND TO ALLOW SPECIAL EXCEPTIONS AND SPECIAL PERMITS TO BE APPROVED AS PART OF A REZONING**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

**RESOLUTION**

**A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 5 TO CLARIFY AND AMEND THE ADMINISTRATIVE PERMIT PROCESS AND TO ALLOW SPECIAL EXCEPTIONS AND SPECIAL PERMITS TO BE APPROVED AS PART OF A REZONING**

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine and clarify requirements for processing land development applications; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, adoption of the attached amendments to Article 5 support good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That amendments to Article 5 related to the administrative permit process and the approval of special exceptions and permits in conjunction with rezoning applications are hereby initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following represents the proposed changes for consideration:

**ARTICLE 5**

**ADMINISTRATIVE PERMITS, SPECIAL PERMITS AND SPECIAL EXCEPTIONS**

**PART 5                                      5-000                                      GENERAL PROVISIONS**

**5-001                                      Purpose and Intent**

1. There are certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given district. These uses as described may be allowed to locate within certain designated districts under the controls, limitations and regulations of an administrative permit, special permit, or special exception.
2. A. The Zoning Administrator shall issue administrative permits under the provisions of this article if it is determined that the proposed use meets the standards set forth in this article.

B. The BZA shall issue special permits under the provisions of this Article when it determines that such use will be compatible with the neighborhood in which it is to be located.

~~3. In addition, there are instances similar to those in which a use may be appropriate under a special permit, including cases in which standards and regulations specified for certain uses allowed within a given district should be allowed to be varied within limitations in the interest of sound development. Such uses as described may be allowed to locate within a given designated district under the provisions of special exceptions.~~

C. The Board shall issue special exceptions under the provisions of this Article when it concludes that such action will not be incompatible with existing or planned development in the general area.
3. While the same standards shall be applied in the evaluation of the impact and compatibility of uses proposed under both the special permit and special exception provisions of this Article, the issues involved in special permits under consideration by the BZA involve primarily the immediate neighborhood to be affected. Special exceptions involve issues concerning the neighborhood as well as potential impacts on the general area, the Comprehensive Plan and, in some cases, the County as a whole. ~~(Special exceptions can be granted by the Board. Special permits can be granted by the BZA only.)~~
- ~~4.B~~ Notwithstanding anything in the Zoning Ordinance to the contrary:
  - A. when an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.
  - B. any use requiring special permit or special exception approval shall be exempt from such additional special permit or special exception approval where 1) such use was specifically requested and approved as part of a rezoning application, with location and character of the proposed use shown and addressed on the concept development plan for the rezoning.

and 2) compliance with the specific standards in this article were addressed in proffers as part of the rezoning application.

5. The BZA and Board shall stipulate, where appropriate, conditions and restrictions in the granting of special permits and special exceptions respectively to assure the use will be compatible with the neighborhood in which it is to be located and will meet the standards contained herein; or where that cannot be accomplished, to deny the use as not in accord with adopted plans and policies or as being incompatible with existing uses or development allowed by right in the area.
6. The burden of proof lies with the applicant to demonstrate that the proposed use is consistent with the purpose and intent of the applicable zoning district and satisfies the standards contained hereinafter.
7. The Board or BZA may impose a condition that specific uses allowed by right on a property subject to a special use permit or a special exception shall not be commenced unless:
  - A. ~~(1)~~authorized by an amendment to the issued special use permit or special exception; or
  - B. ~~(2)~~the property owner elects to void his permit or special exception through delivery of a written notarized statement of relinquishment to the Zoning Administrator.

This limitation shall be included as a condition upon each issued special use permit or special exception.

5-002

#### **Authorization**

1. In consideration of an application filed with the Zoning Administrator, the Zoning Administrator, the BZA and the Board may authorize the establishment of those uses that are expressly listed respectively as administrative, special permit uses and special exception uses in a particular zoning district provided, however, that no such permit shall be required for a use allowed as a permitted use in such district.
2. No administrative permit use, special permit use or special exception use shall be authorized unless such use complies with all the applicable standards of this Article 5 and all other applicable requirements of this Ordinance.

5-003

#### **Limits on Authority**

1. Neither the Zoning Administrator, BZA nor the Board shall have the authority to vary, modify or waive any of the regulations or standards prescribed for any use or purpose for which an administrative, special permit or special exception is required, and any such modification, variance or waiver shall ipso facto nullify the action of the BZA or Board in issuing, respectively, any special permit or special exception hereunder. The discretion of the Zoning Administrator, BZA and Board shall be limited to

determinations with respect to the standards applying to the use or purpose covered by the applicant.

2. This provision shall not preclude any concurrent, but jurisdictionally separate, proceedings applying to the same property, in which an application is made for a variance on an allegation of hardship.
3. The jurisdiction of the Zoning Administrator, BZA and the Board, with respect to any use or purpose for which such body is authorized to issue, respectively, administrative permits, special permits and special exceptions, shall be confined to the consideration of the question of conformity to the provisions of this Ordinance.
4. The BZA and Board shall issue respectively, the special permit or special exception applied for, subject to whatever conditions and restrictions are deemed necessary and appropriate under the provisions of Section 007 below, provided that so conditioned and restricted all applicable requirements of this Ordinance are met.

5-004

**Status of Administrative Permit Uses, Special Permit Uses and Special Exception Uses**

1. Any use for which an administrative permit is granted by the Zoning Administrator, special permit is granted by the BZA, or a special exception is granted by the Board, and which complies with the specific requirements of this Ordinance and those conditions and restrictions which may be imposed in accordance with Section 007 below, shall be deemed to be a permitted use on the lot for which it was approved.
2. Once a special permit or special exception has been granted, however, the use shall not be enlarged, extended, increased in intensity or relocated unless an application is made for a new administrative permit, special permit or special exception; except that the BZA and the Board may specifically waive or modify requirements for obtaining additional permits for the enlarging, extending, increasing in intensity or relocation of previously approved special permit or special exception uses in unusual cases when the change is not significant.

5-005

**Establishment of Categories**

For the purpose of applying specific conditions upon certain types of administrative, special permit and special exception uses and for allowing such uses to be established only in those zoning districts which are appropriate areas for such uses, all administrative, special permit and special exception uses are divided into categories of associated or related uses as hereinafter set forth in this Article 5.

**General Standards For Special Permit and Special Exception Uses**

In addition to the special standards set forth hereinafter for specific uses, ~~with regard to particular special permit and special exception uses, all such~~ all special permit and special exception uses shall also satisfy the following general standards:

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.
2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.
3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.
4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.
5. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 7.
6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.
7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.
8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

5-007

**Conditions and Restrictions**

1. ~~General~~— The BZA and the Board respectively, in granting special permits or special exceptions, may impose such conditions, safeguards and restrictions upon the proposed uses as may be deemed necessary in the public interest to secure compliance with the provisions of this Ordinance.

Conditions may include, but need not be limited to the following:

- A. The hours of operations.
- B. Access to the subject property.
- C. Protection of surface and groundwater.
- D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners.
- E. Adequate sewer and water supplies.
- F. Sound limitations as needed to ensure peaceful enjoyment of neighbors.
- G. The location, size, height, design of building, walls, fences, landscaping and buffer yard.
- H. Covenants and/or homeowners association for maintenance of applicable restrictions.
- I. Timing or phasing of development.
- J. Utilities underground.
- K. Control of smoke, dust and odor.
- L. Bonding as required to ensure standards are met and plans are implemented.

2. The Zoning Administrator may apply similar conditions to the approval of an administrative permit, but only to the extent that such condition is necessary in order to secure compliance with specific standards set forth for the use.

5-008

**Time Limitations, Extensions, Renewals**

In addition to the time limit set forth in this Article, the BZA and the Board, respectively, may require as a condition to the issuance of any special permit or special exception, that it shall be issued for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator, or that it may be periodically renewed by the body granting such approval. The procedure of granting an extension or renewal shall be as presented in Section 012 and 013 below. A time limit may only be placed by the Zoning

Administrator on an administrative permit to the extent the specific standards for that use authorize such limits for a particular use.

5-009

**Application for Administrative Permit, Special Permit or Special Exception**

1. An application for an administrative permit, special permit or special exception may be made by any property owner, owner of an easement, possessor of the right of entry under the power of eminent domain, lessee, contract purchaser, or any official, department, board or bureau of any government. A contract purchaser, lessee or owner of an easement must file with the application a copy of the contract or some form of written statement which indicates the endorsement of the application by the property owner.
2. The application shall be filed with the Zoning Administrator on forms provided by the County. The application shall be complete and shall be accompanied by those submission requirements set forth in Section 011 below, such specific information as may be required for a given category or use, and such additional information as may be required by the BZA or Board. The application shall be accompanied by a fee established in accordance with the provisions of Section 13-107. No application shall be deemed to be on file with the County until all required submissions and payments have been presented.
3. The Zoning Administrator shall refer the application to any agency or review body as may be specified for a particular Category or use or as deemed appropriate by the Zoning Administrator. Such referral will be made expeditiously upon filing of the application. The Zoning Administrator will take action necessary to see that the advertising requirements of Section 13-111 are met for hearings conducted in connection with this Section. For those administrative permits where the standards for the use specify special notice requirements, the Zoning Administrator will take the action necessary to see that such notice requirements are met.
4. Application for a special permit shall be filed not later than twenty-four (24) calendar days prior to the date of the BZA meeting at which it will first be placed on the agenda. At that meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110.
5. Application for a special exception shall be submitted not later than forty (40) calendar days prior to the first Planning Commission meeting at which it may be considered and must be filed not later than thirty (30) calendar days prior to said meeting. An application is considered officially filed if the Department accepts it after review. At the first meeting a hearing will be conducted concerning the application in accordance with the provisions of Section 13-110. The Commission shall, not later than its next regular monthly meeting, unless an extended period is mutually agreed to by the applicant and the Commission, forward a recommendation concerning the proposal to the Board. Failure to act at this time, unless tabled with the concurrence of the applicant, shall be deemed action to recommend approval.



6. The Board shall hold a public hearing on all applications for special exceptions in accordance with the provisions of Section 13-110, at its earliest regularly scheduled meeting for which the notice requirements of Section 13-111 can be met following the date of Commission action on a recommendation concerning such applications.
7. The BZA or Board shall render a decision on all applications for special permits and special exceptions, respectively, not later than at its body's second regular monthly meeting following the hearing (except for cases delayed in accordance with Section 5-010). This time limit may be extended by either body, through the consent of the applicant, and if comments or reports have not been received from other agencies and/or review bodies (other than the Commission) which are either specified for a particular category or use, or are deemed necessary by the BZA or Board.

8. The Zoning Administrator shall render a decision on all applications for administrative permits within 30 days of a complete submission.

#### **5-010 Site Location Plan Approval**

- ~~1. Review by the Commission in accordance with the provisions of Section 15.2-2232, Code of Virginia, shall be conducted concurrently with the Commission's review of special exceptions concerning the use, if such special exception is required.~~
- ~~2. The Commission shall hold a public hearing in accordance with the provisions of Section 13-110 of this Ordinance concerning all uses subject to review in accordance with the provisions of Section 15.2-2232, Code of Virginia, as amended.~~

#### **5-011 Additional Submission Requirements**

- I. Special Permits  
All applications for special permit shall be accompanied by the following items in addition to those items that may be listed for a particular category in parts that follow:
  1. Explicit statement of proposed use (may be on application form).
  2. A scale drawing(s) at a scale of not less than 1"=100' (1"=200' for residential development, major, in the Rural and R-1 zoning districts) showing:
    - A. Property lines.
    - B. Abutting streets with names or route numbers.
    - C. Location of all existing and proposed buildings or uses.
    - D. Highway entrance(s) and driveways.
    - E. Off-street parking and loading spaces, showing number of spaces provided.
    - F. Front, side and rear elevations of any proposed building.
    - G. Landscaping if applicable.

- H. Such drawing shall be submitted in four (4) copies on sheets not exceeding 30 x 42 inches.
- 3. A copy of the applicant's purchase agreement or sales contract if applicant is a contract owner.
- 4. Any other information requested by the BZA (not required as part of original submission).

## II. Special Exceptions

All applications for special exception shall be accompanied by the following applicable items in addition to those items that may be listed for a particular category in the parts that follow:

- 1. Ten (10) copies of an application on forms provided by the County, completed and signed by the applicant.
- 2. Ten (10) copies of a Conflict of Interest Statement provided by the County, completed and signed by the applicant.
- 3. Ten (10) copies of a plat drawn to a designated scale determined by consultation with the Director or his designated agent, containing the following information as applicable:
  - A. Boundaries of entire property, with bearings and distances on all boundary lot lines.
  - B. Total area of the property in square feet or acres.
  - C. Scale and arrow north.
  - D. Public right(s)-of-way, including names, route numbers and width.
  - E. Proposed means of ingress and egress to the property from a public street(s).
  - F. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line.
  - G. Where wells and/or septic fields are proposed, soils analysis/information indicating general feasibility of proposed use or indication that the subject property is served by public water and/or sewer. Where appropriate, a statement from the Health Department indicating that available facilities are adequate for the proposed use.
  - H. A map (3 inches by 3 inches) giving the general vicinity of the subject property.

- I. Where applicable seating capacity, usable outdoor recreation area, emergency access, bicycle parking, fencing, limits of clearing, landscaping and screening, outside lighting, loud speaker, required and/or proposed improvements to public right(s)-of-way.
  - J. Seal and signature of person certifying the plat.
4. Ten (10) copies of a statement of justification to include the following as applicable:
    - A. Type(s) of operation(s).
    - B. Hours of operation.
    - C. Estimated number of patrons/clients/patients/pupils/etc.
    - D. Proposed number of employees/attendants/teachers, etc.
    - E. Qualifications of application and operators of the proposed use. Where applicable, submit a copy of professional or occupational certification or license.
    - F. Estimate of traffic impact of proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.
    - G. Vicinity or general area to be served by the use.
    - H. For other than residential development, description of building facade and architecture of proposed new building or additions
    - I. A statement that the proposed use conforms to the provisions of all applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such Ordinance, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.
  5. Four (4) copies of the Fauquier County Parcel Identification Map with the subject property highlighted in red.
  6. OPTIONAL - Photographs of the property showing existing structures, terrain and vegetation.
  7. If the applicant is not the owner of the property involved in the application, evidence must be submitted showing that the applicant will have the right to use the property as proposed. A copy of a properly executed lease or contract to purchase, with financial terms deleted if so desired, will normally suffice to meet this requirement.

8. Where applicable, any other information as may be required by the provisions of Articles 4 and 5 or requested by the Board or Commission which may not be required as a part of the original submission.
9. An application fee as provided for in accordance with Section 13-107.

**5-012**

**Extension of Special Permit or Special Exception (by the Zoning Administrator)**

1. The application for an extension of a special permit or special exception shall be filed with the Zoning Administrator in accordance with the provisions of Paragraphs 1 and 2 of Section 009 above. The application shall be filed within thirty (30) to sixty (60) days before the expiration date of the special permit or special exception.
2. The Zoning Administrator shall inspect the use; review the applicant's record of compliance with those conditions, standards and restrictions previously imposed by the BZA or Board; and make a determination on whether the special permit or special exception use still satisfies the applicable standards of this Ordinance. The Zoning Administrator shall also notify the applicable approving authority that request has been filed.
3. Upon a favorable finding, the Zoning Administrator shall issue an extension of the special permit or special exception for the period of time that may be specified for a particular category or use or that may have been specified by the BZA or the Board. Upon an unfavorable finding, the application shall be denied and such an action shall be subject to appeal in accordance with the provisions of Part 3 of Article 13.
4. All Ordinances and regulations, in effect at the time an application for an extension is filed, shall apply to the use in the same manner as when a new special permit or special exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

**5-013**

**Renewal of a Special Permit or Special Exception (by the BZA or Board)**

1. The procedure for the renewal of a special permit or special exception shall be the same as specified in Section 009 above for the issuance of the original permit or exception, unless the BZA or Board shall specifically waive or modify such procedure for a given permit or exception or unless the procedure is qualified for a particular category or use. The application for a renewal shall be filed ninety (90) days before the expiration date of the permit or exception.
2. All Ordinances and regulations, in effect at the time an application for a renewal is filed, shall apply to the use in the same manner as when a new

special permit or exception is issued by the BZA or Board except that no alteration of a structure shall be required if such structure was in conformity with the provisions of the Building Code and other applicable regulations at the time the special permit or special exception was first granted.

5-014

**Expiration of a Special Permit or Special Exception**

With the exception of public uses, whenever an administrative permit, special permit or special exception is issued by the Zoning Administrator, BZA or Board, the activity authorized thereby shall be established and construction authorized shall be diligently ~~prosecuted~~ pursued within such time as the permit ~~BZA or Board may have specified or, if no such time has been specified, then within one (1) year after the effective date of such permit or exception, unless an extension shall be granted by the BZA or Board because of the occurrence of conditions unforeseen at the time of the granting of the special permit or special exception.~~ If the use or construction has not commenced within a period of one (1) year, ~~unless an extension is granted,~~ such administrative permit, special permit or special exception shall automatically expire without notice. The BZA or Board may grant an extension to a special permit and special exception because of the occurrence of conditions unforeseen at the time of granting the special permit or special exception, upon application by the original permittee for such extension.

5-015

**Revocation of an Administrative Permit, Special Permit or Special Exception**

1. Unless a time limit is specified for an administrative permit, special permit or special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the Zoning Administrator, BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.
2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) days written notice of violation. The BZA or Board shall hold a hearing on the revocation of the permit or exception and shall give the applicant at least fifteen (15) days advance written notice of the hearing date.
3. Notice of revocation of an Administrative permit shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48)

hours of the date upon which the appeal is received. Within twenty-four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.

4. ~~3.~~The foregoing provisions shall not be deemed to preclude the use of the other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

5-016

#### **Contesting a Special Exception Decision**

Every action contesting a decision of the Board granting or failing to grant a special exception shall be filed within thirty (30) days of such decision with the Circuit Court having jurisdiction of the land affected by the decision. However, nothing in this subsection shall be construed to create any new right to contest the action of a local governing body, having direct access to, a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Supervisors or the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

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5-107

#### **Administration and Standards for Manufactured Dwellings**

##### 1. Administration

- ~~A. An application as provided for in Section 009 above, the Zoning Administrator may issue an Administrative Special Permit for those uses so authorized in 3-301.3.~~
- ~~B. The application for an Administrative Special Permit for a manufactured dwelling shall be filed at least 30 days prior to the date on which the permit is to take effect. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this paragraph.~~
- ~~C. Upon receipt and acceptance of a complete application, the Zoning Administrator shall within 5 working days, by letter, notify adjacent property owners of the filing of the application, where and when it can be reviewed and the last date comments will be accepted for consideration.~~
- ~~D. Upon deciding that the application meets all standards set forth in subparagraph 2 below, the Zoning Administrator shall issue an administrative special permit, setting forth the conditions that must be met prior to occupancy of the dwelling.~~
- ~~E. The Zoning Administrator may revoke an Administrative Special Permit granted in D. above at any time on failure of the owner to observe all conditions in connection with the permit that were designated in issuing same. Notice of such revocation shall be made by letter from the Zoning~~

~~Administrator to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~

2. Standards

- A. The applicant must be the owner of record.
- B. The main body (living area) of the structure shall be not less than twenty (20) feet in width as measured at the narrowest point.
- C. The side of the building most nearly parallel to the appurtenant street (including a fully enclosed garage, not a carport) shall be not less than thirty (30) feet.
- D. The tongue, trailer hitch and any other visible transportation appurtenances are removed.
- E. A foundation wall which forms a complete enclosure directly beneath the exterior walls shall be constructed in accordance with County Code requirements for foundations.
- F. The main roof shall have a pitch of not less than 2 1/2:12 and shall be covered with shingles of a type commonly used on site built dwellings.
- G. Exterior siding shall be of materials, colors and finishes commonly used on site built dwellings.
- H. Fenestration shall be rectangular and otherwise similar to that of conventional single family dwellings.

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**PART 8**

**5-800**

**CATEGORY 8 TEMPORARY USES**

**5-801**

**Administration**

- ~~1. Upon application as provided for in Section 009 above, the Zoning Administrator may issue an administrative special permit for those temporary uses so authorized in Section 3-308 above. Other requests for permits and temporary uses shall be applied for in accordance with requirements for obtaining other special permits and special exceptions.~~
- ~~2. The application for a temporary special permit shall be filed at least three (3) weeks prior to the date on which the permit is to take~~

effect. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the fair administration of this Part.

3. ~~An administrative special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time, or any renewal or extension of such a permit, shall be approved by the BZA, subject to the same procedure as specified in Section 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.~~
4. ~~Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Section 006 above, the Zoning Administrator shall issue an administrative special permit, setting forth the duration of the permit and specifying such conditions as to location, parking, traffic access, screening and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.~~
5. ~~The Zoning Administrator may revoke a temporary special permit (whether it was issued administratively or otherwise) at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand delivered or mailed, return receipt requested, setting forth the grounds upon which the revocation is effective and informing the owner or operator of the appeals procedure. Upon receipt of such notice the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.~~
6. ~~An appeal by the person(s) aggrieved by an action of the Zoning Administrator in granting or denying an administrative special permit may be made in accordance with the provisions of Part 3 of Article 13.~~
7. ~~In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty eight (48) hours of the date upon which the appeal is received. Within twenty four (24) hours after the date of the meeting the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.~~



**A RESOLUTION INITIATING ZONING ORDINANCE TEXT AMENDMENTS TO SECTIONS 3-302, 5-200, 6-102 AND 6-300 TO AMEND THE REGULATIONS AUTHORIZING HOME OCCUPATIONS**

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**RESOLUTION**

**A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-302, 5-200, 6-102 AND 6-300 TO AMEND THE REGULATIONS AUTHORIZING HOME OCCUPATIONS**

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine requirements for commercial retail and business uses; and

WHEREAS, home occupations constitute an important segment of the business community in Fauquier County; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, adoption of amendments to Sections 3-302, 5-200, 6-102 and 6-300 support good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That amendments to Sections 3-302, 5-200, 6-102 and 6-300 related to authorized home occupations are hereby initiated and referred to the Planning Commission for public hearing and recommendation.

**A RESOLUTION INITIATING ZONING ORDINANCE TEXT AMENDMENTS TO SECTIONS 3-312, 3-313, 3-400, 5-1200, 5-1300 AND 15-300 TO AMEND APPROVAL REQUIREMENTS FOR COMMERCIAL RETAIL AND BUSINESS USES**

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*

*Absent During Vote:*     *None*  
*Abstention:*           *None*

## RESOLUTION

### A RESOLUTION INITIATING ZONING ORDINANCE TEXT AMENDMENTS TO SECTIONS 3-312, 3-313, 3-400, 5-1200, 5-1300 AND 15-300 RELATED TO APPROVAL REQUIREMENTS FOR COMMERCIAL RETAIL AND BUSINESS USES

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine requirements for commercial retail and business uses; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, adoption of the attached amendments to Sections 3-312, 3-313, 3-400, 5-1200, 5-1300 and 15-300 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That amendments to Sections 3-312, 3-313, 3-400, 5-1200, 5-1300 and 15-300 related to commercial retail and business uses are hereby initiated and referred to the Planning Commission for public hearing and recommendation; and, be it

RESOLVED FURTHER, That the following represents the proposed changes for consideration:

3-312 COMMERCIAL RETAIL (CATEGORY 12)	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Antique shops less than 3000 sq. ft.	X		SP	SP	SP								P	P	P	P		
<del>2. Antique shops more than 3000 sq. ft.</del>	<del>X</del>	-	-	-	-	-	-	-	-	-	-	-	SP	P	P	SP		
23. Retail sales establishment and shopping center less than 5,000 sq. ft.	X												P	P	P	P		
4. Retail sales establishment and shopping center 5,000 to 20,000 sq. ft. <del>or greater but less than 50,000 sq. ft.</del>	X												A/SP	P	P	A/SP		
<del>5. Retail sales establishment and Shopping center 20,000 to 50,000 sq. ft.</del>	X												SP	P	P	SP		
5. Retail sales establishment and shopping center more than 50,000 sq. ft.	X													SE	SE			
<del>7. Shopping center less than 200,000 sq. ft.</del>	<del>-</del> <del>X</del>														P			
<del>7. Shopping center more than 200,000 sq. ft.</del>	<del>-</del> <del>X</del>														SE			
8. Convenience store	X												P	P	P	SP	SP	
9. Retail sales in conjunction with Category 16 or 17 uses		SE	SE										SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>		SP	SP
10. Fuel yard, retail	X													SP				SP

<b>3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)</b>	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	SP <sup>18</sup>	SP		
3. Funeral home less than 5000 sq. ft.	X												P	P				
4. Funeral home more than 5000 sq. ft.	X												SP	P		SP		
5. Farm supply establishment	X		SP		SP								SP <sup>18</sup>	P		SP <sup>18</sup>		
6. Financial institutions	X												P	P	P	P	SP	
7. Office, less than 5,000 sq.ft.	X												P	P	P	P	P	
8. Office, 5,000 sq.ft. to 20,000 sq.ft.	X												A/SP	P	P	A/SP	P	
9. Office, over 20,000 sq.ft.	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
<del>7. Office, business, less than 5000 sq.ft.</del>	<del>X</del>												<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>SP</del>	
<del>8. Office, business, more than 5000 sq.ft.</del>	<del>X</del>												<del>SP</del>	<del>SP</del>	<del>P</del>		<del>SP</del>	
10. Office, <del>professional 3 or less employees</del> <del>(including clinics)</del> 6 or less employees	<del>---</del> X	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP	<del>SP</del> SP							
<del>10. Office, professional, (including</del> <del>clinics) less than 5,000 sq.ft.</del>	<del>X</del>												<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>SP</del>	
<del>11. Office, professional, (including</del> <del>clinics) more than 5,000 sq.ft.</del>	<del>X</del>												<del>SP</del>	<del>SP</del>	<del>P</del>	<del>SP</del>	<del>SP</del>	
11. Drive-through facility in conjunction with any commercial business	X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
12. Eating esbablishment	X												P	P	P	P	SP	
13. Eating establishment, fast food	X												SP <sup>18</sup>	P	<del>P</del> SP	SP <sup>18</sup>	SP	
14. Repair service establishment less than 5,000 sq.ft. <del>than 3000 sq. ft.</del>	<del>X</del> X												<del>P</del> P	<del>SP</del> P	<del>P</del> P	<del>P</del> P	<del>P</del> P	
15. Repair service establishment more than 5,000 sq.ft. <del>than 3000 sq. ft.</del>	<del>X</del> X												SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP <sup>18</sup>	SP	
16. Laundry/dry-cleaning drop-off pick-up facility	X												P	P	P	P	P	
<del>17. Laundry/dry cleaners/laundromat</del>	<del>X</del>												<del>SP<sup>18</sup></del>	<del>P</del>		<del>SP<sup>18</sup></del>		

less than <del>5,000 3000</del> sq. ft.	X													P	SP	P	P	SP	
187. Laundry/dry cleaners/laundromat more than <del>5,000 3000</del> sq. ft.	X													SP	SP	SP		SP	
198. Furniture repair, cabinet making, upholstery, less than 5000 sq. ft.	X													P	P	P	P	P	
<del>204</del> 9. Furniture repair, cabinet making, upholstery, more than 5000 sq. ft.	X													SP	SP	SP	SP	P	
214. Broadcasting studio	X		SP											P	P	P		P	
221. Barber/beauty shop	X	SP	SP	SP	SP	SP								P	P	P	P		
232. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.	X													P	P	P	P	P	P
243. Carpentry, plumbing, electrical, printing, welding, sheet metal shops more than 5000 sq. ft.	X													SP	SP	SP	SP	P	P
<del>24. Dance or music studio</del>	X													P		P			
25. Photographic studio	X													P	P	P	P	SP	
<del>26. Wedding chapels</del>	X													SP	P		SP		
267. Taxidermist shop	X		SP											SP	SP				
<del>28. Gift Shop</del>	X														P				
<del>29. Furniture Store</del>	X														P				

**PART 4                                      3-400                                      USE REGULATIONS**

The requirements in the chart below and the following footnotes pertaining thereto are established as indicated:

.....

18. A special permit shall not be required and the use shall be permitted by right if the use is proposed to be located within a shopping center that has been approved by special permit or special exception and if the proposed use is consistent with any limitations of the shopping center special permit or special exception approval and all other requirements of the zoning ordinance.

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**PART 12                                      5-1200                                      CATEGORY 12 COMMERCIAL RETAIL USES**

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

.....

**5-1202                                      Additional Standards for Retail sales establishment and shopping center 5,000 to 20,000 square feet in the C-1 and CV Districts**

1. An Administrative permit may be approved for uses where:
  - A. Buildings or uses exceeding 5,000 square feet in size shall be designed such that the mass and treatment of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the mass of multiple smaller buildings rather than one single large building.
  - B. Building height shall not exceed two stories.
  - C. To the extent feasible, parking shall be located to the side and rear of buildings.
  - D. All such uses shall be designed to conform with any design guidelines adopted for the location in the comprehensive plan.
2. In instances where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

**5-1203~~2~~                                      Additional Standards for Retail Sales in Conjunction with Category 16 or 17 Uses**

1. Retail sales of goods produced on or off the site may be conducted as part of the primary use.

2. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 10% of the gross floor area of the facility (or outdoor area involved in the use, if appropriate).

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**PART 13**

**5-1300**

**CATEGORY 13 COMMERCIAL BUSINESS AND  
PERSONAL SERVICES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

.....

**5-1305**

**Additional Standards for Office 5,000 Sq.Ft. to 20,000 Sq.Ft. in the  
C-1 and CV Districts**

1. An Administrative permit may be approved for uses where:
  - A. Buildings or uses exceeding 5,000 square feet in size shall be designed such that the mass and treatment of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the mass of multiple smaller buildings rather than one single large building.
  - B. Building height shall not exceed two stories.
  - C. To the extent feasible, parking shall be located to the side and rear of buildings.
  - D. All such uses shall be designed to conform with any design guidelines adopted for the location in the comprehensive plan.
2. In instances where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

**5-1306~~5~~**

**Additional Standards for Offices in Rural and Residential Districts, Professional  
(including clinics), Not More Than Six Persons Employed**

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.
2. No retail or wholesale sales or storage conducted on the premises.
3. The building so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.

5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
6. Office hours shall be limited to the period between 8:30 A.M. and 8:00 P.M., Monday through Saturday. Offices may open at other times only for emergencies.
7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 A.M. and 4:00 P.M.
8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
9. Any such office with more than three employees. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

**5-1306 Additional Standards for Barber/Beauty Shop in Residential and Rural Zoning Districts**

Such uses shall comply with the use limitations set forth in Section 6-304.

**15-300**

**DEFINITIONS**

.....

**CONVENIENCE STORE:** Stores offering for sale groceries and other articles normally found in grocery stores and having not more than 3000 square feet gross floor area.

**DRIVE THROUGH FACILITY:** ~~**DRIVE-IN ESTABLISHMENT:**~~ A place of business shall be considered to have a drive through facility if it is so laid out that patrons can be accommodated while remaining in their automobile or vehicle. For the purposes of this ordinance, a VEHICLE WASH shall not be considered a Drive Through Facility.

.....

**GIFT SHOP:** ~~Retail Sales Establishment of less than 5,000 square feet selling goods, merchandise, and commodities for use by the immediate purchaser.~~



**OFFICE:** A room, studio, suite or building in which a person transacts his business or carries on his stated occupation, ~~further defined in some provisions as BUSINESS OFFICE and PROFESSIONAL OFFICE.~~ For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

~~**OFFICE, BUSINESS:** Any room, studio, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives.~~

~~**OFFICE, PROFESSIONAL:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects, but specifically excluding veterinarians.~~

.....

**RETAIL SALES ESTABLISHMENT:** Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use in consumption by the immediate purchaser. For the purpose of this Ordinance, however, retail sales establishments shall not be interpreted to include motor vehicle related uses and EATING ESTABLISHMENTS as defined herein. Retail Sales Establishment shall include Antique shops over 3,000 sq.ft.

.....

**SHOPPING CENTER:** Any group of one or more buildings containing three or more separate commercial businesses ~~two (2) or more commercial uses~~ which (a) are designed as a coordinated ~~single~~ commercial group, whether located on the same lot or on separate lots; (b) are under common ownership or management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and/or other similar benefits, ~~(c) are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walk ways and access ways designed to facilitate customer interchange between the uses,~~ (d) share a common parking area, and ~~(ce)~~ (c) otherwise present the appearance of one (1) continuous commercial area.

**A RESOLUTION TO AFFIRM THE PLANNING COMMISSION'S DECISION TO DENY CHATTIN'S RUN SOUTH SUBDIVISION PRELIMINARY PLAT PPLT06-MA-022 PURSUANT TO ZONING ORDINANCE SECTION 2-406(6), MARSHALL DISTRICT**

Mr. Atherton moved to affirm the Planning Commission's decision to deny Chattin's Run South Subdivision Preliminary Plat PPLT06-MA-022. Mr. Graham seconded the motion. Following discussion, Mr. Graham then moved to go into closed session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia to consult with legal counsel regarding threatened or probable litigation, and specific legal matters related to Chattin's Run Subdivision, which require the provision of legal advice. The vote for the motion was unanimous as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 10th day of August 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

Mr. Graham returned to the previous question to affirm the Planning Commission's decision to deny Chattin's Run South Subdivision Preliminary Plat PPLT06-MA-022, and the motion failed to carry by a vote of 2 to 3 as follows:

**Ayes:** *Mr. Harry Atherton; Mr. Richard W. Robison*  
**Nays:** *Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*  
**Absent During Vote:** *None*  
**Abstention:** *None*

Mr. Downey moved to reverse the decision of the Planning Commission to deny the Chattin's Run South Subdivision Preliminary Plat PPLT06-MA-022. Mr. Stribling seconded, and the motion carried by a vote of 3 to 2 as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling*  
**Nays:** *Mr. Harry Atherton; Mr. Richard W. Robison*  
**Absent During Vote:** *None*  
**Abstention:** *None*

#### **SUPERVISORS' TIME**

- Mr. Robison expressed his appreciation to everyone who was involved in the Fauquier County Fair; he stated that it was a great event and the Home Grown Dinner was superb. Mr. Robison announced that on September 16<sup>th</sup> the Evening Under the Stars festival will be held on Main Street in Warrenton. Mr. Robison announced that on September 30<sup>th</sup> the Warrenton-Fauquier Heritage Day will be held on Main Street in Warrenton, and that additional information on these events can be located at: [www.mosbymuseum.org](http://www.mosbymuseum.org)
- Mr. Downey announced that a memorial service to remember Karen Cosner is scheduled for Friday, August 11<sup>th</sup> at 11:00 AM at the Grace Episcopal Church in The Plains.
- Mr. Stribling expressed kudos to Bob Sinclair for successfully overseeing construction of the Essay Office and the Bunkhouse at Monroe Park. Mr. Stribling stated he anticipates the project will be completed in time for the Monroe Park Goldmine Jubilee.

#### **ANNOUNCEMENTS**

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 p.m. on September 14, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.
- Mr. McCulla announced that on September 15<sup>th</sup> the annual Working Together Committee Charity Golf Tournament will be held to raise funds for charities and needy individuals in Fauquier County. He stated that applications are available at the County Administration office for those interested in participating in the tournament.

#### **A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$3,500,876 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$98,621**

A public hearing was held to consider various budget related issues in the amount of \$3,410,273 in appropriations, and \$90,603 in transfers for FY 2006, and \$43,585 in appropriations, and \$55,036 in transfers for FY 2007 including, but not limited to: State Funds; Federal Funds; Miscellaneous Revenue – Fire & Rescue Association and Fire & Emergency Services; Fuel Revenue – Fleet Maintenance; Airport Fund Balance - Land Purchases and Construction; Reimbursement -

Piedmont Environmental Council. Paul McCulla, County Administrator, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

## RESOLUTION

### A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$3,500,876 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$98,621

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget and on March 30, 2006 adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its July meeting the Finance Committee has recommended FY 2006 budget adjustments of \$3,500,876 and for FY 2007 budget adjustments of \$98,621 for the purposes set forth below; and

WHEREAS, on August 10, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$3,500,876 and the FY 2007 Budget amended in the amount of \$98,621 as follows:

<i>Source</i>	<b>FROM Code</b>	<b>Amount</b>	<b>Department</b>	<b>TO Code</b>	<i>Amount</i>
Miscellaneous Funds	3-100-189900-0050	\$315	Fire & Emergency Services (F&ES)	4-100-032420-1101	\$315
State Funds	3-270-244100-0080	\$23,291	Fire & Rescue	4-270-032200-5640	\$64,919
	3-270-244100-0085	\$41,628	Association (F&RA)		
Miscellaneous F&RA Funds	3-270-189900-0050	\$1,165	F&RA	4-270-032250-6013	\$1,165
Miscellaneous F&RA Funds	3-270-189900-0050	\$23	F&RA	4-270-032210-6014	\$23
Miscellaneous F&RA Funds	3-270-189900-0050	\$105	F&RA	4-270-032260-6014	\$105

Insurance Recovery Funds	3-100-411000-0010	\$1,000	Environmental Services	4-513-042714-3310	\$1,000
State Funds	3-100-244100-0145	\$199	Commonwealth's Attorney's Office	4-100-22110-9999	\$199
Federal Funds	3-100-331000-0045	\$20,239	Sheriff's Office	4-100-031200-8201	\$20,239
Federal Funds	3-100-331000-0056	\$3,780	Sheriff's Office	4-100-031200-1201	\$3,780
Federal Funds	3-100-331000-0171	\$5,500	Sheriff's Office	4-100-031200-6011	\$5,500
F&RA Funds	4-270-032250-1301	\$1,980	F&ES	4-100-032420-1201	\$1,980
F&RA Miscellaneous Funds	3-270-189900-0050	\$1,066	F&RA	4-270-032250-6013	\$1,066
Federal Funds	3-100-332000-0003	\$14,161	Sheriff's Office	4-100-031200-6004 4-100-031200-6010	\$3,824 \$10,337
Federal Funds	3-100-331000-0115	\$5,821	Sheriff's Office	4-100-031200-1201	\$5,821
Department's Funds	3-210-161000-0001	\$740,000	Fleet Maintenance	4-210-043414-6008	\$740,000
Airport Fund Balance	3-504-419000-0010	\$2,500,000	Airport	4-504-81743-8215	\$2,500,000
Reimbursement	3-302-189903-0010	\$50,000	Capital Fund	4-302-91400-0100	\$50,000
General Fund (Transfer)	4-100-032420-6047	\$26,321	F&ES	4-100-031200-8205	\$26,321
F&RA Funds	4-270-032310-5647	\$30,000	F&RA	4-270-032302-5647	\$64,282
FY 2007	4-270-032307-5647	\$34,282			
Federal Funds	3-100-331500-0020	\$43,585	F&ES	4-100-032420-6047	\$43,585
General Fund (Transfer)	4-100-031200-1302	\$55,036	Sheriff's Office	4-100-031200-1101	\$55,036
<b>TOTAL</b>		<b>\$3,599,497</b>			<b>\$3,599,497</b>

### **PROPOSED TEXT AMENDMENT TO SECTION 15-300 OF THE ZONING ORDINANCE**

A public hearing was continued from July 13, 2006, to consider a Zoning Ordinance Text Amendment to Section 15-300, to amend the definition of Park Facilities (Governmental), Non-athletic. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

## ORDINANCE

### A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 15-300 TO AMEND THE DEFINITION OF PARK FACILITIES (GOVERNMENTAL), NON-ATHLETIC

WHEREAS, on May 25, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, after public hearings on June 29, 2006 and July 27, 2006, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on August 10, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Section 15-300 be, and is hereby, amended by the addition of a definition of "Park Facilities (Governmental), Non-Athletic" as follows:

#### **15-300 Definitions**

##### **PARK FACILITIES (GOVERNMENTAL/CIVIC), NON-ATHLETIC:**

A piece of ground provided for use by the public and kept for ornament and Recreation, ~~for the purpose of this Ordinance such uses shall not include facilities for sports or athletic activities or camping, but may include areas of picnicking, walking, and riding horses and bicycles.~~ Uses such as festivals, education, community celebrations, temporary farmer's markets, and similar activities and purposes shall be considered accessory uses for such Park Facilities, regardless of whether otherwise permitted and regulated by the Zoning Ordinance, as authorized by the Fauquier County Department of Parks and Recreation.

#### **PROPOSED TEXT AMENDMENT TO SECTIONS 6-302 AND 5-202 OF THE ZONING ORDINANCE**

Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. Following discussion, Mr. Atherton moved to deny a proposed Zoning Ordinance Text Amendment to Sections 6-302 and 5-202 to permit as home occupations, party supply sales and rentals and to enact certain standards for such uses. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**PROPOSED TEXT AMENDMENT TO SECTION 15-300 OF THE ZONING ORDINANCE**

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 15-300 to add a definition of Fairgrounds. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

*Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

ORDINANCE

A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 15-300 TO ADD A  
DEFINITION OF FAIRGROUNDS

WHEREAS, on May 25, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on June 29, 2006, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on August 10, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Section 15-300 be, and is hereby, amended by the addition of a definition of fairgrounds as follows:

**15-300 Definitions**

**Fairgrounds: a place where the County Fair is held, as well as utilized as a meeting hall for social, fraternal, civic, public and similar organizations; utilized as an event venue for spectator and non-spectator field events and activities such as equestrian events and field sports, concerts, tractor pulls, rodeos, scholastic athletic contests, festivals, arts and craft shows, and related fundraising for charitable or non-profit activities, family reunions, wedding receptions and**

similar receptions, picnics, educational seminars, and community-related arts, cultural, agricultural, and educational activities; and utilized as a farmers' market.

**SPECIAL EXCEPTION #SPEX06-LE-024 AND COMPREHENSIVE PLAN CONFORMANCE DETERMINATION #CCRV06-LE-004 – MONUMENT DEVELOPMENT-14, LC & FAUQUIER WATER AND SANITATION AUTHORITY, OWNERS, AND MONUMENT DEVELOPMENT-14, LC & REMLAND, LLC, APPLICANTS – REMINGTON – LUCKY HILL ROAD WATER TANK**

A public hearing was held to consider an application to obtain a Category 20 Special Exception to allow for the construction of a water tank. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination, in accord with the Code of Virginia, Section 15.2-2232, as to whether the location of the water tank on this property is consistent with the Comprehensive Plan. The property is located on the south side of Lucky Hill Road (Route 656), east of Tinpot Run Lane (Route 655) in Remington, Lee District, further identified as PIN #6887-46-2019-000 and PIN#6887-36-8588-000. Rick Carr, Director of the Department of Community Development, summarized the applications. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION SPEX06-LE-024 AND COMPREHENSIVE PLAN COMPLIANCE REVIEW CCRV06-LE-004, REMINGTON - LUCKY HILL ROAD WATER TANK**

WHEREAS, Monument Development-14, LC and Fauquier Water & Sanitation Authority, owners, and Monument Development-14, LC, Fauquier Water & Sanitation Authority, and Remland, LLC, applicants, are seeking Special Exception approval to allow for the construction of a water storage tank within the Remington Service District on a portion of each of the parcels known as PIN# 6887-46-2019-000 and PIN #6887-46-8038-000, as well as a Comprehensive Plan Conformance Determination for the water storage tank; and

WHEREAS, two discrete applications are proposed:

1. SPEX06-LE-024 - Category 20 Special Exception to allow for the construction of a water storage tank;
2. CCRV06-LE-004 - A Comprehensive Plan Compliance Determination; and



WHEREAS, on June 29, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and unanimously recommended approval of the Special Exception applications, subject to conditions and approval of the Comprehensive Plan Conformance Determination; and

WHEREAS, on August 10, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurs with the Planning Commission and it has determined that the application for the water storage tank at this location is substantially in compliance with the County's Comprehensive Plan in accord with the Code of Virginia, Section 15.2-2232; and

WHEREAS, the Board of Supervisors has determined that the Special Exception applications satisfy the standards of Zoning Ordinance Articles 5-006 and 5-2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Comprehensive Plan Conformance Determination CCRV06-LE-004, Monument Development-14, LC and Fauquier Water & Sanitation Authority, owners, and Monument Development-14, LC, Fauquier Water & Sanitation Authority, and Remland, LLC, applicants, be, and is hereby, approved; and, be it

RESOLVED FURTHER, That Special Exception SPEX06-LE-024 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat entitled "Remington – Lucky Hill Road Water Tank" dated May 2, 2006 and received in the Planning Office on May 17, 2006.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The water storage tank and its infrastructure shall be located on a 100 foot by 100 foot lot dedicated to the Fauquier County Water and Sanitation Authority.
6. The applicant shall provide an access easement to the tank site and parking area to allow for access by Fauquier County Water and Sewer Authority or other government agencies.
7. The applicant shall design and construct the entire water system, including the wells, water lines, pumps, hydro-pneumatic tank and ground storage tank, in accordance with Fauquier County Water and Sanitation Authority standards and requirements so that it can be taken over by the Authority.
8. The maximum water storage tank height shall be 105 feet.

9. The maximum storage capacity of the water storage tank shall be 175,000 gallons.
10. The tower storage facility shall be an upside-down “tear-drop” style structure.
11. The tank color shall be determined by WSA and will generally be similar to its “Blue Ridge Blue” standard color.
12. The applicant shall maintain the existing mature tree buffer adjacent to the tank, as indicated on the Special Exception Plat.

#### **ESTABLISHMENT OF REVALIDATION FEE FOR PARCELS IN THE LAND USE PROGRAM**

A public hearing was held to consider establishing the periodic revalidation fee for parcels currently participating in the Land Use program. The fee may be set by the Board of Supervisors at an amount which does not exceed the current application fee of \$60.00 plus \$0.60 per acre. Ross D’Urso, Commissioner of the Revenue, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

#### **RESOLUTION**

##### **A RESOLUTION ESTABLISHING THE PERIODIC REVALIDATION FEE FOR PARCELS ENROLLED IN THE SPECIAL ASSESSMENT FOR LAND PRESERVATION PROGRAM**

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance pursuant to Title 58.1, Article 4 of the Code of Virginia, 1950, for the provision of Special Assessment for Land Preservation; and

WHEREAS, Title 58.1-3234 provides that each locality that has adopted such an Ordinance may provide for the imposition of a revalidation fee every sixth year; and

WHEREAS, such revalidation fee shall not, however, exceed the application fee currently charged; and

WHEREAS, the last fee set for this purpose was in 2000 for the 2001 revalidation period; and

WHEREAS, this resolution has been drafted to establish the fees for the upcoming revalidation period applicable to parcels that will be seeking revalidation for the 2007 tax year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, That the following fee be, and is hereby, established:

A flat fee of \$50.00 plus \$0.50 per acre.

### **PERSONAL PROPERTY TAX RELIEF ACT**

A public hearing was held to consider the percentage of tax relief to be afforded to taxpayers in accordance with statutory revisions to the Personal Property Tax Relief Act. Ross D'Urso, Commissioner of the Revenue, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

### **RESOLUTION**

#### **A RESOLUTION ESTABLISHING THE PERCENTAGE ALLOCATION OF THE FIXED AMOUNT OF STATE PERSONAL PROPERTY TAX RELIEF ON QUALIFYING MOTOR VEHICLES**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments require Fauquier County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the Personal Property Tax Relief Act as revised; and

WHEREAS, these legislative enactments provide for the appropriation to Fauquier County, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles; now, therefore, be it.

RESOLVED by the Fauquier County Board of Supervisors this 10th day of August 2006, that qualifying vehicles obtaining situs within Fauquier County during tax year 2006, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;

- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 61% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 61% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006, unless determined to be of no fault of the taxpayer, shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

**PROPOSED TEXT AMENDMENT TO SECTION 13-51 OF THE COUNTY CODE**

A public hearing was held to consider an amendment to Section 13-51 of the County Code to permit retired fire and rescue volunteers with at least 10 years of service to obtain a County decal at no charge. Kevin Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

**Ayes:** *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

**Nays:** *None*

**Absent During Vote:** *None*

**Abstention:** *None*

**ORDINANCE**

**AN ORDINANCE AMENDING SECTION 13-51 OF THE CODE OF FAUQUIER COUNTY TO PROVIDE A COUNTY DECAL TO RETIRED MEMBERS OF VOLUNTEER RESCUE SQUADS AND RETIRED MEMBERS OF VOLUNTEER FIRE DEPARTMENTS**

WHEREAS, pursuant to Section 13-51 of the Code of Fauquier County, a license fee on automobiles and trucks is levied; and

WHEREAS, Virginia Code Section 46.2-752.A(11) permits localities to provide a decal at no cost for a vehicle owned or leased by a person who is a retired volunteer fire department or retired member of a volunteer rescue squad with at least 10 years of service; and

WHEREAS, after due notice and hearing, the Board of Supervisors, by the adoption of this Ordinance, has determined that it is in the best interests and welfare of its citizens to amend Fauquier County Code Section 13-51 to provide a decal at no cost for one vehicle owned or leased by a person who is a retired volunteer fire department or retired member of a volunteer rescue squad with at least 10 years of service; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That Fauquier County Code Section 13-51 be, and is hereby, amended to add a new paragraph 5 to read as follows:

The County hereby levies and assesses a license fee on automobiles and trucks, except:

- (1) Vehicles used by a dealer or manufacturer for sales purposes;
- (2) Vehicles are used as common carriers of persons or property operated between cities or towns in this State, and not in intra-city transportation, or between cities or towns on the one hand and points and places outside the cities and towns on the other, and not in intra-city transportation.
- (3) Vehicles used by an active member of volunteer fire and rescue companies of the County or an active member of the Sheriff's auxiliary deputy program, provided, however, that active members of any volunteer fire and rescue companies shall provide to the Treasurer at the time of application for issuance of the license a written certification by the chief of the volunteer company that said applicant is an active member, and is a member whose name appears in the book of "Volunteer Fire Fighters" kept by the Clerk of the Circuit Court, and provided further that any auxiliary deputy shall provide a certificate from the Sheriff stating that the auxiliary deputy is an active volunteer in the Sheriff's auxiliary deputy program. No applicant shall be issued more than one (1) such license free of charge.
- (4) Vehicles owned or leased by a person who is sixty-five (65) years of age or older shall be entitled to a fifty (50) percent reduction in the license fee assessed on that vehicle, provided that no such discount shall be available for more than one (1) vehicle owned or leased by the same person.
- (5) Vehicles owned by former members of volunteer rescue squads and former members of volunteer fire departments having at least 10 years of service in the County. No such former member shall be issued more than one (1) such license free of charge.

**CONSIDER GRANT OF A UTILITY EASEMENT TO NOVEC AT THE NORTHERN SPORTS FIELD COMPLEX**

A public hearing was held to consider the grant of an easement to Northern Virginia Electric Cooperative in order to relocate utilities at the Northern Sports Field Complex. Kevin J. Burke, County Attorney, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<b>Ayes:</b>	<b><i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b>Nays:</b>	<b><i>None</i></b>
<b>Absent During Vote:</b>	<b><i>None</i></b>
<b>Abstention:</b>	<b><i>None</i></b>

## RESOLUTION

### A RESOLUTION TO AUTHORIZE THE EXECUTION OF A DEED OF EASEMENT TO NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) AT THE NORTHERN SPORTS FIELD COMPLEX

WHEREAS, Fauquier County is the owner of property located adjacent to Route 55 known as the Northern Sports Field Complex; and

WHEREAS, as part of the improvements to Route 55 for the project, NOVEC is to relocate its lines outside of Virginia Department of Transportation right of way on County property; and

WHEREAS, NOVEC has requested that the County execute an easement in order to provide for the relocation of its utilities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of August 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute such documents as are necessary to convey an easement to NOVEC for the purpose of relocating its utility lines.

With no further business, the meeting was adjourned at 8:11 PM.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on August 10, 2006.*

*Paul S. McCulla  
Clerk to the Board of Supervisors*